



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

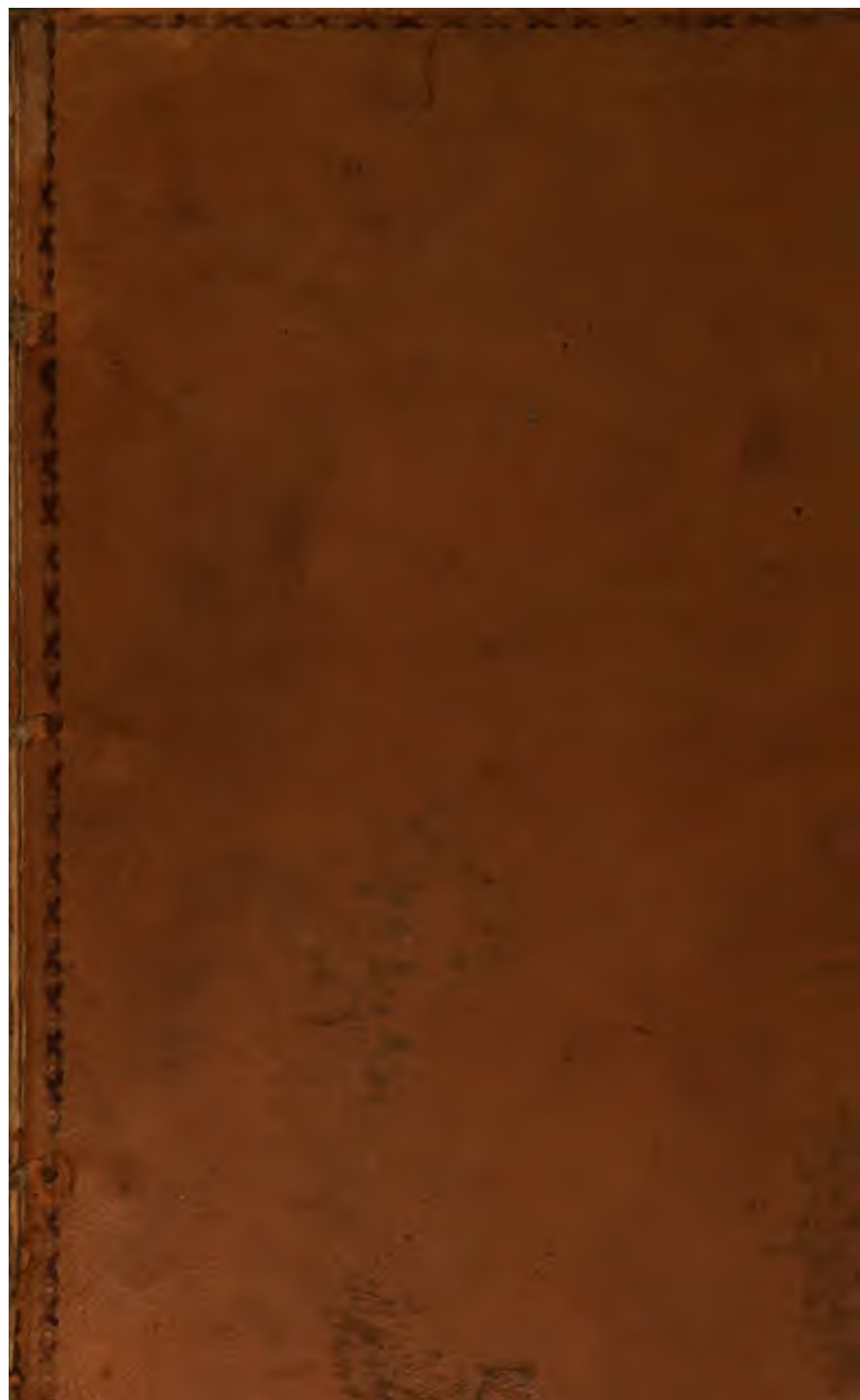
We also ask that you:

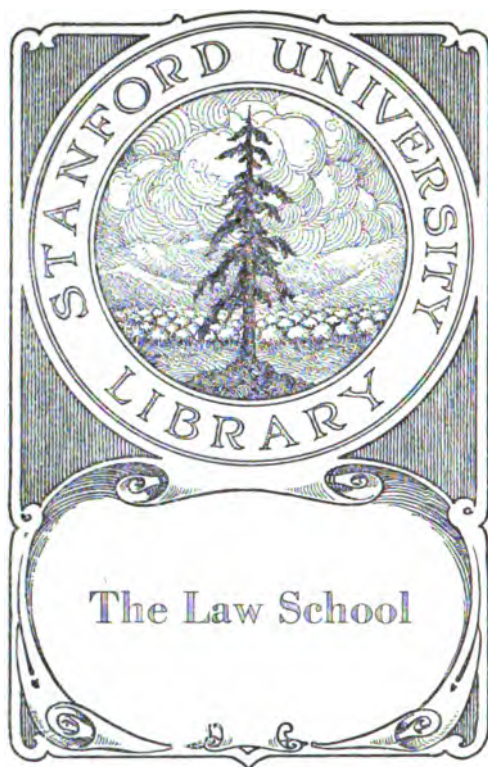
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

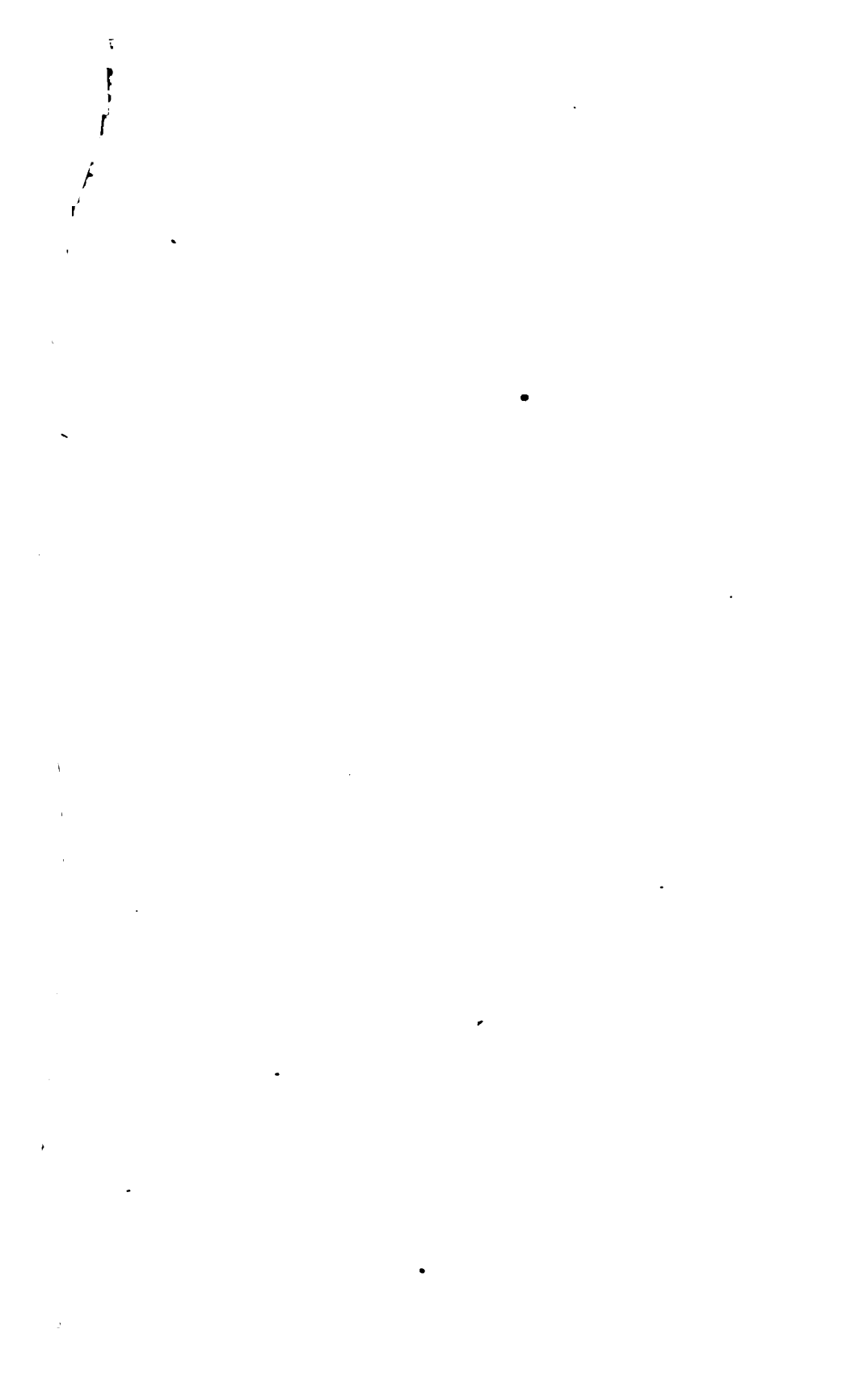






Memorandum







GENERAL LAWS

OF THE

STATE OF MINNESOTA,

PASSED DURING THE

FOURTEENTH SESSION OF THE STATE LEGISLATURE,

COMMENCING JANUARY SECOND, ONE THOUSAND EIGHT HUNDRED
AND SEVENTY-TWO, AND TERMINATING MARCH FIRST, ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

8,000 COPIES ORDERED PRINTED.

SAINT PAUL:

RAMALEY, CHANNY & CO., PRINTERS.

1872.

L 1229

MAR 17 1930

YR 1229

**J. B. CHANEY,
STATE PRINTER.**

INDEX.



GENERAL INDEX.

CHAPTER.	PAGE.
I.—To establish a Reciprocal General Insurance Law for the state of Minnesota, and to revise and amend the laws of said state, relating to Home and Foreign Insurance Companies,	17
II.—To amend Section eighteen, Chapter thirty-six, Title one, of the General Statutes of this state, in relation to Common Schools,	46
III.—To amend Sections fifty and fifty-one of Chapter thirty-six of the General Statutes of Minnesota relating to County Superintendents of Schools,	47
IV.—To amend Section seventy-three (73) of Chapter thirty-six (36) of General Statutes of the State of Minnesota in relation to Independent School Districts,	49
V.—To amend section eleven (11) of chapter thirty-seven (37) of the general statutes, in relation to State Normal Schools,	50
VI.—To amend section 2 of chapter 5 of General Laws of 1870; being an Act entitled "An act to define the duties of County Superintendents of Schools,"	51
VII.—To amend an Act approved March 2d, 1868, entitled an Act to amend sections twenty (20), and twenty-one (21), of chapter thirty-six (36), of the General Statutes, relating to Common Schools, and to regulate the duties of the State Superintendent of Public Instruction.	52
VIII.—To provide for the revision and codification of existing laws in relation to Common and Normal Schools,	53

CHAPTER.	PAGE.
IX.—To allow the County Superintendent of common schools a deputy, and to pay him out of his own salary,	54
X.—To amend Chapter One, of the Session Laws of 1868, relating to the University of Minnesota,	55
XI.—Proposing an Amendment to Article nine of the Constitution of the State by adding thereto a new section authorizing an Increase of the Public Debt for certain special purposes,	57
XII.—Proposing an Amendment to Section three of Article ten of the Constitution,	59
XIII.—Proposing an Amendment to Article nine of the Constitution,	60
XIV.—Proposing an amendment to Article four (4) of the Constitution of the State, by adding thereto a new section, to be the thirty-second Section, in relation to the Internal Improvement Lands and the proceeds thereof,	62
XV.—To establish a State Board of Health	64
XVI.—To amend an act entitled an act for the establishment and location of a Hospital for Insane in the State of Minnesota, and to provide rules for the Regulations of the same, approved March 6th 1868,	66
XVII.—Relating to the Minnesota Hospital for the Insane,	69
XVIII.—For the relief of Insane Convicts in the State Prison and to provide for their removal to the Minnesota Hospital for the Insane,	70
XIX.—To provide for the Assessment and Collection of a Tax for State Purposes,	72
XX.—To provide for the Preparation and Printing of the Legislative Manual in advance of the assembling of the Legislature,	73
XXI.—To divide the State into three Congressional Districts,	74
XXII.—To promote the Science of Medicine and Surgery in the State of Minnesota,	75
XXIII.—To amend Section four of Chapter twenty-four of General Laws of one thousand eight hundred and seventy-one, relating to the Carrying of Freight and Passengers on all Railroads in this State,	77

GENERAL INDEX.

VII

CHAPTER.	PAGE.
XXIV.—To regulate the Transfer of Passengers and Baggage at Railroad Junctions,	78
XXV.—To compel all Railroad Companies within this State to build proper Cattle Guards and Fences,	79
XXVI.—Authorizing the Railroad Commissioner to examine the Books and Accounts of Railroad Corporations doing business in this State and to provide for the expense thereof in certain cases,	81
XXVII.—Making Railroad Companies liable to Laborers for Services performed in the construction of Railroads,	82
XXVIII.—To secure proper commitments to the Minnesota State Reform School,	83
XXIX.—To authorize the County Commissioners of the several organized counties of the State to pay a Bounty for the Destruction of Wolves,	84
XXX.—To provide for a Geological and Natural History Survey of the State and entrust the same to the University of Minnesota,	86
XXXI.—To appoint Commissioners to Revise the Tax Laws of this State,	89
XXXII.—Relating to Burying Grounds,	90
XXXIII.—To enable the Board of Trustees of Soldiers Orphans to rent a suitable building for a Soldiers' Orphans' Home,	91
XXXIV.—Relative to the appointment of Township Assessors,	92
XXXV.—To authorize the several District Courts of this State to change the name of Person or Persons,	93
XXXVI.—To encourage the Pursuit and Capture of Horse and Cattle Thieves.	94
XXXVII.—To provide payment for services of Commissioners appointed by the Governor to take and report Testimony in certain cases,	95
XXXVIII.—To prevent the growth and spread of Canada Thistles,	97
XXXIX.—To legalize Conveyances of Real Property and the record thereof, which have been heretofore executed with but One subscribing Witness and recorded; and to dispense with the official certificate to certain instruments,	99

CHAPTER.	PAGE.
XL.—Authorizing the Judges of any District Court to appoint Commissioners to lay out Roads through two or more Counties within his Judicial District,	100
XLI.—To amend Section fifty-six, (56) Chapter thirteen, (13) of the General Statutes relating to Roads, Cartways and Bridges,	102
XLII.—To amend Section twelve (12) of Chapter thirteen (13) of the General Statutes, relating to Roads, Cartways and Bridges,	103
XLIII.—To amend Section six of Chapter sixty-three of the General Statutes relating to the general terms of the Supreme Court,	104
XLIV.—To change the time of holding the term of the District Court in Pine county, in the first Judicial District,	105
XLV.—Fixing the time of holding the General Terms of Court in the counties of Winona, Houston and Olmsted, in the third Judicial District,	106
XLVI.—To fix the times of holding Court in the Fifth Judicial District,	107
XLVII.—To amend an Act to prescribe the times for General Terms of the District Court in the several counties constituting the Seventh Judicial District. Approved March 6, 1871.	108
XLVIII.—To amend Chapter eighty-six of General Laws of Minnesota for 1871, relating to terms of the District Court in the county of Carlton,	109
XLIX.—To amend Section one (1) of Chapter seventy-five of the General Laws of Eighteen Hundred and Seventy-one, relating to terms of the District court in the Eighth District,	110
L.—To amend Chapter eighty-one of the General Statutes of 1870, creating the Tenth Judicial District.	111
LI.—To provide for a General Term of the District Court for the County of Chippewa, and for attaching thereunto the County of Swift for judicial purposes.	112
LII.—To amend Chapter Thirty-four of the General Statutes,	113

GENERAL INDEX.

IX

CHAPTER.	PAGE.
LIII.—To amend Title One of Chapter Thirty-Four of the General Statutes relating to Corporations, - - -	114
LIV.—To amend Chapter Thirty-Four of the General Statutes of Minnesota relating to corporations. - - -	118
LV.—To amend Chapter Thirty of the General Statutes, relating to Limited Partnerships, - - -	119
LVI.—To amend Section Thirty-One of Chapter One of the General Statutes relating to the duties of County Auditor in making returns of votes for the Members of the Senate and House of Representatives, - - -	121
LVII.—To amend Sections Forty-Eight and Forty-Nine of Chapter one of the General Statutes of Minnesota relating to Contested Elections, - - -	122
LVIII.—To amend Sections Seven and Eight, Chapter Three of the General Laws of the State of Minnesota, - - -	124
LIX.—To amend Section One Hundred and Three of Chapter Eight of the General Statutes relating to the Board of County Commissioners, - - -	125
LX.—Amending Section Fifty Eight of Chapter Ten of the General Statutes, - - -	126
LXI.—To amend Chapter Sixteen of the General Statutes relating to the Sale of Intoxicating Liquors, - - -	127
LXII.—To amend Chapter Thirty-Nine of the General Statutes, relating to Chattel Mortgages, - - -	129
LXIII.—To amend Section Five, Chapter Forty-Nine of the General Statutes, relating to Probate Courts, - - -	130
LXIV.—To amend Section One of Chapter Fifty-One of the General Statutes, relating to the Distribution of the Estates of Intestates, - - -	131
LXV.—To amend Sections Thirty-Five and Thirty-Six, of Chapter Fifty Seven of the General Statutes relating to Sales of Real Estate by Executors, administrators and guardians, - - -	132

CHAPTER.	PAGE.
LXVI.—To amend Section One Hundred and Six, Chapter Sixty-Five, of the General Statutes relating to appeals in Justices' Courts, - - -	133
LXVII.—To amend Section Thirty-Four of Chapter Sixty-Five of the General Statutes relating to adjournments in Justices' Courts, - - -	134
LXVIII.—To amend Section Twenty, Title Two of Chapter Sixty-Five of the General Statutes of Minnesota relating to Justice Courts, - - -	135
LXIX.—Relative to Process in Criminal Cases, - - -	136
LXX.—In relation to Trials of Issues of Facts in District Courts, - - -	136
LXXI.—To amend Section Two Hundred Seventy-Nine of Chapter Sixty-six of General Statutes Relating to Civil Actions, - - -	137
LXXII.—To amend Section Sixty-Two of Chapter Sixty-Six of the General Statutes relating to Civil Actions, - - -	138
LXXIII.—To amend Section Thirty-Two of Title Two of Chapter Eighty-One of the General Statutes, relating to the execution and recording of Certificates of Sale, in Foreclosure by Action, - - -	139
LXXIV.—To amend Section Seven of Chapter Ninety-Eight of the General Statutes, - - -	140
LXXV.—To amend Chapter Seventy-One of the General Laws of 1867, concerning offenses against property, - - -	141
LXXVI.—To amend Section Seven of Chapter Seventy of the General Statutes relating to Fees of Witnesses, - - -	142
LXXVII.—To Prevent the Imprisonment of Witnesses in Certain Cases, - - -	142
LXXVIII.—To prevent the Destruction of Fish from the Waters of Hennepin, and Ramsey, also Washington Counties, - - -	143
LXXIX.—To Provide for the Organization of the County of Cass, - - -	145
LXXX.—To provide for the Organization of the County of Clay, and locating the County Seat thereof, - - -	146
LXXXI.—To establish the County of Franklin, and provide for its Organization, - - -	147

GENERAL INDEX.

XI

CHAPTER.	PAGE.
LXXXII.—To Organize the County of Murray,	150
LXXXIII.—To provide for the Organization of the County of Wilkin and to define the boundary thereof,	151
LXXXIV.—To detach certain Townships from the County of Jackson and attach the same to the County of Nobles,	153
LXXXV.—To detach certain Townships from the County of Nobles and attach the same to the County of Rock,	154
LXXXVI.—To detach Townships number one hund- red and fifteen (115) and one hundred and sixteen (116) North of Ranges number thirty-one (31) and thirty-two (32) from Renville County and attach the same to McLeod County,	156
LXXXVII.—To change the County lines of Otter Tail County,	158
LXXXVIII.—To detach the County of Wilkin from the County of Douglas and attach it to the County of Otter Tail for Judi- cial and Recording purposes,	159
LXXXIX.—To detach the Counties of Stevens and Traverse from the County of Pope for Judicial purposes and to attach the County of Traverse to the County of Stevens and to establish a term of the District Court in Stevens County,	160
XC.—To amend Section Two of Chapter Sev- enty-One of the General Laws of 1870,	161
XCI.—To amend Chapter Thirty-One of the General Laws of 1870, relating to City Elections, found on page Fifty- Nine,	161
XCII.—To amend Section Nine of Chapter Thirty-Three of the General Laws of 1871,	162
XCI.—To Repeal Chapter Seventy-Nine (79) of the General Laws of Eighteen Hund- red and Seventy,	163
XCIV.—To amend Section Two (2) of Chapter Twenty (20) of the General Laws of 1871,	163

CHAPTER.	PAGE.
XCV.—Authorizing the Adjutant General to complete the Revision and Correction of the War Record of Minnesota Soldiers, and Appropriating Money for said Purpose,	164
XCVI.—To aid Citizens of Minnesota who have suffered Loss or Damage by Fire and Storm during the Summer and Fall of 1871,	165
XCVII.—To appropriate Money for the Legislative Expenses of the Present Session of the State Legislature,	168
XCVIII.—To appropriate Money for Certain Purposes therein named,	168
XCIX.—To appropriate money for the payment of the Salaries of the officers of the State Government for the year One Thousand Eight Hundred and Seventy-two (1872),	170
C.—To appropriate Money for the General Expenses of the State Government for the year Eighteen Hundred and Seventy-two,	172
CI.—To appropriate Money for Current Expenses, Salaries of Officers, and Deficiencies of the State Prison,	175
CII.—To appropriate Money for the Support of Indigent Insane,	176
CIII.—To appropriate Money for the further Completion of the Minnesota Hospital for Insane,	177
CIV.—To Amend an act entitled an Act to appropriate Money for the Support of the Institute for the Deaf and Dumb, and Blind, approved March 1, 1870,	178
CV.—To appropriate Money for the Erection and Furnishing of Shops for the use of the Minnesota State Reform School,	179
CVI.—To appropriate Money for the Support of the Minnesota State Reform School for the year one thousand eight hundred and seventy-two, (1872)	179
CVII.—To appropriate Money for the Maintenance and Education of the Soldiers' Orphans of this State,	180

GENERAL INDEX.

XIII

CHAPTER.	PAGE.
CVIII.—To Appropriate Money for the Support of the State Normal Schools,	181
CIX.—To Appropriate Money to Pay Indebtedness of First State Normal School for Insurance,	182
CX.—Appropriating Money for Salary and Expenses of Railroad Commissioner of this State,	183
CXI.—To Appropriate Money for Certain Purposes therein named,	184
CXII.—To Appropriate Money to Defray the Expenses of arresting Certain Disorderly Indians,	185
CXIII.—To Reimburse the City of Duluth for Expenses incurred in Suits to Enjoin the Construction of the Canal across Minnesota Point,	186
CXIV.—To make a Contribution towards the Completion of the Washington National Monument,	187
CXV.—To Appropriate Money to Julia Brown, Robert Trevis, Ira Myrick, and Cyrus Myrick,	188
CXVI.—To Reimburse the County of Pope for the Expenses of the Trial and Conviction of Charles Bailey,	189
CXVII.—To Reimburse Floyd Smith, of Faribault County for Expenses and Damages arising from an Arrest upon the Requisition of the Governor of Wisconsin and taken to Wisconsin for Trial,	190
CXVIII.—To amend Chapter Eleven of the General Statutes relating to Taxes,	191
CXIX.—To amend Section Seven (7) of Chapter Eleven (11) of the General Statutes of the State of Minnesota relating to Taxes.	196

JOINT RESOLUTIONS.

NUMBER.	PAGE.
I.—Joint Resolution to Congress asking an Appropriation for the Construction of a Ship Canal around the Falls of Niagara, on the American side,	201
II.—Joint Resolution to Congress asking the Completion of the Water Route from the Mississippi Valley by the way of the Wisconsin and Fox Rivers to Lake Michigan, and another by the way of Lake Superior, by the Enlargement and Deepening of the Canal at the Outlet of that Lake,	202
III.—Joint Resolution relating to Securities in which the Trust Funds of this State may be invested,	204
IV.—Joint Resolution to secure the Cession of the Chippewa Reservation at the Mouth of Pigeon River on the Northern Boundary of the State to the United States, and the Opening up of the same for Occupancy and Settlement,	204
V.—Joint Resolution asking the State of Wisconsin to indemnify the State of Minnesota for moneys appropriated in aid of Floyd Smith,	205
VI.—Joint Resolution Requesting the Congress of the United States to Vacate that Portion of the Military Reservation at Fort Ripley, Minnesota, which lies East of the Mississippi River, and to open the same to Settlement and Occupation under the Homestead and Pre-emption Laws.	207
VII.—Joint Resolution Asking a Modification of the Law Granting Bounties under the U. S. Supreme Court Decision of March 14, 1870,	208
Treasurer's Report,	210

GENERAL LAWS.

GENERAL LAWS OF MINNESOTA.

PASSED AND APPROVED AT THE FOURTEENTH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY SECOND, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AND TERMINATING MARCH FIRST, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

*This Chapter superseded Chapter 36 of the
1872 Session of the Minnesota Legislature p. 456*

*An Act to establish a Reciprocal General Insurance Law
for the state of Minnesota, and to revise and amend the
laws of said state, relating to Home and Foreign In-
surance Companies.*

February 22,
1872.

TITLE I—GENERAL PROVISIONS.

- SECTION** 1. The object of the act.
2. Construction of words, "the substantial provisions of this act shall be enacted."
3. Relating to restrictive laws in other states
4. Meaning of the term "company."
5. Meaning of the term "American company."
6. Meaning of the expression, "company of a state, territory or nation."
7. The term "Commissioner" explained.
8. The terms "oath," "directors," "agent," or "agents," defined.

TITLE II—THE INSURANCE COMMISSIONER.

- SECTION** 1. The Governor to appoint Commissioner.
2. Salary of Commissioner.
3. Duties of the Commissioner.
1. To see that the laws relating to insurance are executed.
 2. To file charters and organizations of insurance companies.
 3. To calculate the net value of life policies in force at the close of each year.

4. Calculations to be based on the American Experience Table.
5. To stop life companies from doing new business under certain contingencies.
6. To see that life companies have safe legal securities for the net value of their policies.
7. Shall accept valuation of Commissioner of other states upon being furnished a certificate, &c.
8. Insurance companies failing to furnish such certificate to give detailed lists.
9. Re-insurance reserve for fire companies, how calculated.
10. Re-insurance reserve in marine and inland companies.
11. When capital stock of any company impaired 10 per cent., the company must cease to do new business.
12. To make a rigid examination into the affairs of life companies whose reserves are not up to the legal standard.
13. To institute proceedings against life companies to close their affairs.
14. To publish the result of his examination.
15. To suspend the entire business of any company, failing to comply with this act.
16. To institute proceedings against Companies, that may appear to be insolvent or fraudulently conducted.
17. To report to the Attorney General all violations of this law.
18. To furnish the necessary blank forms to insurance companies for their statements.
19. To preserve a full record of his proceedings.
20. To give certified copies of records or papers.
21. To report annually to the Legislature.
22. To send copies of this report to other insurance commissioners.
23. To communicate facts respecting companies organized in this state to commissioner of other states.
24. To adopt a seal of office.
25. To prevent fire insurance companies from doing a life business.
4. The Insurance Commissioner has power.
 1. To require free access to all books, &c., of companies doing business
 2. To summon and examine under oath, relative to the condition of any company.
 3. For probable cause to investigate in person, the affairs of a company, at its principal office.
 4. To revoke or modify any certificate of authority.
 5. To institute suits for violation of this act.
5. Punishment for refusal to appear and testify before Commissioner.
6. Instruments executed by the Commissioner to be evidence.
7. Fees to be paid by insurance companies.
8. Excess of expenses of Commissioner over fees to be assessed on companies.
9. Relating to transfers of securities.
10. Manner of verifying correctness of records.

TITLE III.—PROVISIONS APPLICABLE TO ALL CLASSES OF COMPANIES.

- SECTION 1.** All insurance contracts to be made in accordance with this act.
2. Life or annuity companies must be organized solely therefor.
 3. All organizations and charters must be approved by the Attorney General.
 4. Manner of investing capital stock and accumulations.

5. Commencing business, the Commissioner must certify that capital stock has been paid in and invested.
6. Conditions to be complied with before commencing business.
7. Relating to agents of companies.
8. Relating to advertisements by the companies.
9. Relating to the purchase of real estate within this state.
10. Relating to the custody of securities.
11. Penalty for violation of any of the provisions of this act.
12. When annual statements shall be filed.
13. What the annual statements shall contain.
14. The Commissioner may require additional statements.
15. Statements must be verified.
16. Penalty for neglect to file statement.
17. Penalty for neglect to make any statement required.
18. Penalty for false statements.
19. Commissioner may prevent publication of statement before his annual report is made.
20. Receivers or trustees of companies to make statements.
21. Relating to legal process against companies.
22. Further provision relating to process.
23. Service of process.
24. Certified copies of service to be mailed to home office.
25. The term "process" defined.
26. Relating to judgments for the recovery of money.
27. Restriction against issuing policies, with premiums payable in notes, &c.
28. Duties heretofore performed by the State Treasurer transferred to the Commissioner.
29. Two per cent. on all premiums received to be paid into the treasury in lieu of taxes.
30. Embezzlement or fraudulent conversion of money by agents--penalty.
Penalty for false statements made by persons insured.

TITLE IV.—FIRE INSURANCE COMPANIES.

- Section 1.**
1. Capital stock must be at least \$200,000.
 2. No mutual fire insurance Co. allowed to do business.
 3. Restriction in amount of policies in any one hazard.
 4. Relating to dividends.
 5. Relating to participation in profits.
 6. Relating to deposits in this State.
 7. Foreign fire insurance Cos. must have \$200,000 on deposit.
 8. A certificate of deposit in another state, may be filed in this State.
 9. Limiting foreign insurance companies in amount at risk.
 10. Capital of foreign insurance companies, how estimated.
 11. Amount of capital must be stated in the annual certificates of the commis'r
 12. The provisions of this title to apply to companies doing inland business.
 13. Exception in favor of companies heretofore organized in this State.

TITLE V.—LIFE INSURANCE COMPANIES.

- Section 1.**
1. Life insurance companies must have capital of \$100,000.
 2. Must have a deposit with the Insurance Commissioner.
 3. Deposit to remain as long as policies remain in force.

4. Deposits in other states may be certified to the Commissioner of this state.
5. Proceedings to relinquish business.
6. Additional deposit for registered policies.
7. Bonds for registering policies and annuity bonds.
8. Receipts for renewal premiums on registered policies to be countersigned by Commissioner.
9. Relating to the valuation of registered policies and annuity bonds.
10. No obligation on the part of the state to pay registered policies or annuity bonds, except to the net value thereof by application of the securities pledged.
11. Relating to interest and dividends on deposited securities.
12. Life companies may select one state in which their policies may be valued, and certificate by the proper officer thereof to be received.
13. Exemption of life companies doing business on the mutual plan from the provisions of Secs. 1 and 2 of this title.

TITLE VI.—MARINE INSURANCE COMPANIES.

- SECTION 1. Marine companies hereafter organized must have capital of \$500,000.
2. No deposit required from insurance companies of other states wherein the substantial provisions of this act are enacted.
 3. Deposits required to the amount of \$400,000 by foreign insurance Companies.
 4. Certificates of deposits in other states may be received by the Commissioner.
 5. Repeal of acts inconsistent, reserving vested rights, contracts, suits, rights, claims, &c.
 6. When act to take effect

Be it enacted by the Legislature of the State of Minnesota :

Object of this act.

SECTION 1. The object of this act is to revise, simplify, and amend the laws of this state in relation to insurance, with due regard to the legislation of other states, so as to secure mutual harmony in the promotion of the public interest, to define the relation of the state to companies and individuals, to insure the stability of companies, to protect the interests of the assured, and to encourage the employment of capital.

To be liberally construed.

And its provisions are to be construed liberally in furtherance of the protection of the insured, and so far as may be in harmony with the construction which may be given by the courts of other states adopting a like act.

The words "the substantial provisions of this act" &c., construed.

SEC. 2. The words, "the substantial provisions of this act shall be enacted," shall be construed to mean the provisions of this act which define the right to do insurance business and provide for the stability of companies and the protection of the insured; and differences in respect to the organization of the insurance department, the constitution of companies, or the form of judicial remedies, shall

not be deemed to impair the uniformity which this act is intended to secure.

SEC. 3. When, by the laws of any other state or nation, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions, of whatever kind, shall be imposed upon all insurance companies of such other state or nation doing business in this state and upon their agents here.

Restrictive laws of States upon outside insurance companies to be imposed upon their companies.

SEC. 4. The term "company," as used in any provision of this act, subjecting companies to any obligation or restriction, includes individuals, partnerships, joint-stock associations and corporations.

The term "company" defined.

SEC. 5. The term "American company," as used in this act, designates a company which exists by the laws of any state or territory of the United States, or by any law of the United States. All others are designated as foreign.

"American company" defined.

SEC. 6. The expression "company of a state, territory, or nation," as used in this act, means a company incorporated by or organized under the laws of such state, territory or nation.

"Company of a State, Territory or Nation" defined.

SEC. 7. The word "commissioner," designates the officer, by whatever name called, who is charged for the time being with the duties of commissioner of insurance.

"Commissioner" defined.

SEC. 8. The term "oath," in this act, includes affirmations.

"Oath" defined

The term "directors," in this act, designates the trustees, managers, or officers constituting the executive board of a company. Directors are included in the term "officers," unless a contrary intention appears.

"Directors" defined.

The term "agent" or "agents," in this act, includes an acknowledged agent, surveyor, and all other persons who shall in any manner, directly or indirectly, aid in transacting the business of insurance.

"Agent" defined.

Nothing contained in this act shall be construed to imply that an agent has any power to bind a company, not expressly, or by necessary implication, given him by the company.

TITLE II.

INSURANCE COMMISSIONER.

Insurance com-
missioner—ap-
pointment—
term of office.

SECTION 1. It shall be the duty of the governor, by **and** with the advice and consent of the senate, to appoint one **com-**petent person, a resident and citizen of the state, and **with** the other qualifications hereinafter provided, who shall be styled the insurance commissioner, who shall be sworn in the manner provided by law for other state officers. **He** shall hold his office for two years, and execute the **duties** thereof as herein provided, until his successor is appointed and qualified, and in case of a vacancy by death, removal, resignation, or otherwise, the governor shall fill the **same** by appointment.

No person who is a director, officer, agent, attorney, or stockholder of, or directly or indirectly interested in, **any** insurance company, except as insured, shall be **com-**missioner; and no officer or agent of any insurance company doing business in this state shall be deputed to examine the affairs of a company under this act. The said commissioner shall keep his office at the capital of the state, and shall give bonds in the sum of \$5,000, with two sureties to be approved by the governor, for the faithful discharge of his duties.

Salary.

SEC. 2. Said commissioner shall be entitled to an annual salary of \$1,500 per annum, which shall include and cover all necessary expenses, clerk hire, office rent, stationery, &c., (except such necessary blanks and forms as may be required, which shall be provided by the state,) the said salary to be paid by the state treasurer in the same manner as other state officers are paid, and if the said commissioner shall directly or indirectly receive any compensation or pay for any services or extra service, or for neglect or omission of service, other than is provided in this act, he shall be deemed guilty of a felony, and, on conviction thereof shall be subject to a fine not exceeding five thousand dollars, or imprisonment in the state prison for a term not exceeding five years, or both, in the discretion of the court.

SEC. 3. It shall be the duty of such insurance commissioner:

1. To see that all laws of this state respecting insurance companies are faithfully executed.

2. To file in his office every charter or declaration of organization of a company, with the certificate of the attor-

Duties defined

ney general; and, on application of the corporators, to furnish to them a certified copy thereof.

3. He shall, as soon as practicable, in each year following the passage of this act, calculate, or cause to be calculated, in his office, by officers or employees, of his department, [or bureau,] the net value, on the 31st day of December of the previous year, of all the policies in force on that day, in each life insurance company doing business in this state, organized by authority of this state; and every other life insurance company doing business in this state, that shall fail to furnish him as hereinafter provided, a certificate of the insurance commissioner of the state by whose authority the company was organized, or by the state in which it may elect to have its policies valued and its deposits made in case the company is chartered by the government of the United States, giving the net values of all policies in force in the company on the 31st day of December of the preceding year.

4. Calculations of the net value of each policy must be based upon the American Experience Table of Mortality, and six per cent. interest per annum. And the net value of a policy at any time shall be taken to be the net single premium which will at that time effect the insurance, less the value at that time of the future net premiums called for by the table of mortality and rate of interest designated above.

Net value of
policies defined

5. In case it is found that any life insurance company doing business in this state has not on hand the net value of all its policies in force, after all other debts of the company and claims against it, exclusive of capital stock, have been provided for, it shall be the duty of the insurance commissioner to publish the fact that the then existing condition of the affairs of the company is below the standard of legal safety established by this state, and he shall require the company at once to cease doing new business; and he shall immediately institute proceedings, as required in this act, to determine what further shall be done in the case.

Standard of
legal safety for
life companies.

6. It is hereby made the duty of the insurance commissioner, after having determined, as above, the amount of the net value of all the policies in force, to see that the company has that amount in safe legal securities, of the description and character hereafter provided in this act, after all its other debts and claims against it, exclusive of capital stock, have been provided for.

Legal securities

7. He shall accept the valuations made by the insurance commissioner of the state under whose authority a life in-

Certificate of
valuations of
other states—to
be accepted.

insurance company was organized, when such valuations have been properly made on sound and recognized principles and legal basis, as above; provided the company shall furnish to the insurance commissioner of this state a certificate from the insurance commissioner of such state, setting forth the value, calculated on the data designated above, of all the policies in force in the company on the previous 31st day of December; and stating that, after all other debts of the company, and claims against it at that time, were provided for, the company had, in safe securities of the character specified in this act, an amount equal to the net value of all its policies in force; and that said company is entitled to do business in its own state.

Failure to fur-
nish certificate.

8. Every life insurance company doing business in this state during the year for which the statement is made, that fails promptly to furnish the certificate aforesaid, shall be required to make full detailed lists of policies and securities to the insurance commissioner of this state, and shall be liable for all charges and expenses consequent upon not having furnished said certificate.

Re-insurance
reserves for fire
companies.

9. For every company doing fire insurance business in this state, he shall calculate the reinsurance reserve for unexpired fire risks by taking fifty per cent. of the premiums received on all unexpired risks that have less than one year to run, and a *pro rata* of all premiums received on risks that have more than one year to run, provided that when the reinsurance reserve, calculated as above, is less than forty per cent. of all the premiums received during the year, the reinsurance reserve in this case shall be the whole of the premiums received on all its unexpired risks.

10. In marine and inland insurance he shall charge all the premiums received on unexpired risks as a reinsurance reserve.

Standard of
legal safety for
fire companies

11. Having charged against a company the reinsurance reserve, as above determined, for fire, inland, and marine insurance, and adding thereto all other debts and claims against the company, he shall, in case he finds the capital stock of the company impaired to the extent of ten per cent., give notice to the company to make good its whole capital stock within sixty days; and if this is not done, he shall require the company to cease to do new business within this state, and shall thereupon, in case the company is organized under the authority of this state, immediately institute legal proceedings, as required in this act, to determine what further shall be done in the case.

Any company receiving the aforesaid notice of the com

missioner to make good its whole capital stock within sixty days, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of said company; and in case any stockholder of such company shall neglect or refuse to pay the amount so called for, after notice personally given, or by advertisement, in such time and manner as the said commissioner shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be entitled to, in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company; the value of such shares, for which new certificates shall be issued, to be ascertained under the direction of the said commissioner, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock and dispose of the same, and to issue new certificates therefor, to any amount sufficient to make up the original capital of the company.

Duties of company not up to legal standard.

Whenever the capital stock of any joint-stock fire or marine insurance company of this state becomes impaired, the commissioner may, in his discretion, permit the said company to reduce its capital stock and the par value of its shares in proportion to the extent of impairment; Provided that, in fixing such reduced capital, no sum exceeding twenty-five thousand dollars shall be deducted from the assets and property on hand, which shall be retained as surplus assets; and provided, that no part of such assets and property shall be distributed to the stockholders; and provided further, that the capital stock shall not be reduced to an amount less than that required by law for the organization of a new company.

When capital stock may be reduced.

To examine, or cause to be examined, every detail of the business of any company transacting business of insurance within this state, whenever in his judgment such examination is required by the interests of the policy-holders of such company.

Further duties of commissioner

12. It shall be the duty of the insurance commissioner, after he has notified a life insurance company, organized under authority of this state, to cease doing new business until the net value of its policies in force is equal to that called for by the standard of safety established by the state, at once to cause a rigid examination in regard to all the affairs of such company. In case it shall appear that

Relating to life companies.

there is no fraud or gross incompetency or recklessness shown to exist in the management, he may, upon publishing the facts in the case, permit such company to continue in charge of its business for one year, provided there is, in his opinion, reason to believe that the company may eventually be able to re-establish the legal net value of all its policies in force.

13. In case the insurance commissioner does not permit the company to continue in the control of its old business, it is hereby made his duty to institute the necessary proceedings for the protection of its policy-holders, in accordance with the laws of this state.

14. To publish the result of his examination of the affairs of any company, whenever he deems it for the interest of the public so to do, in one or more papers of this state.

15. To suspend the entire business of any company of this state, and the business, within this state, of any other company, during its non-compliance with any provisions of this act, or whenever its assets appear to him insufficient to justify its continuance in business, by suspending or revoking the certificate granted by him; and to give notice thereof to the insurance commissioner, or other similar officer of every state, and publish the same in the papers in which, by law, state notices are required to be published.

16. To institute, or cause to be instituted, the necessary proceeding[s], under the laws of this state, to close the affairs of any company of this state which shall appear to him upon examination to be insolvent, or fraudulently conducted.

17. To report in detail, to the attorney general, any violation of law relative to insurance companies, their officers or agents, or the business of insurance.

18. To furnish to the companies required by this act to report to him the necessary blank forms for the statements required.

Miscellaneous
duties.

19. To preserve, in permanent form a full record of his proceedings, and a concise statement of the condition of each company or agency visited or examined.

20. At the request of any person, and on payment of a [the] fee, to give certified copies of any record or papers in his office, when he deems it not prejudicial to public interests so to do, and to give such other certificates as this act provides for.

21. To report annually to the legislature, on or before the 20th day of February, the receipts and expenses of this

[his] department for the year; his official acts; the condition of companies doing business in this state; and such other information as will exhibit the affairs of his department.

22. To send a copy of his annual report to the insurance commissioner, or other similar officer, of every other state, and to each company doing business in this state.

23. On request, to communicate to the insurance commissioner of any other state in which the substantial provisions of this act shall be enacted, any facts which, by law, it is his duty to ascertain respecting companies of this state doing business within such state.

24. To adopt and to renew, from time to time, when necessary, with the approval of the governor, a seal of office, an impression and description whereof, with the governor's certificate of approval, should [shall] be filed in the office of the secretary of state.

25. It shall be his duty to see that no company shall be hereafter permitted to issue policies of insurance on lives in this state that does a fire, marine, or inland insurance business.

And in determining the capital or assets of any fire insurance company, the commissioner shall exclude all notes given for premium[s] upon policies issued.

SEC. 4. The insurance commissioner, for the purposes of examinations authorized by law, has power, either in person or by one or more examiners by him commissioned in writing:

Powers of commissioner.

1. To require free access to all books and papers, within this state, of any insurance company, or the agents thereof, doing business within this state.

2. To summon and examine any person being within this State, under oath, which he or any examiner may administer, relative to the affairs and condition of any company.

3. For probable cause, to visit, at its principal office, wherever it may be, any insurance company not of a state in which the provisions of law contained in this act shall be in force, and doing business in this state, for the purpose of investigating its affairs and condition; and to revoke its certificate in this state, if it does not permit an examination.

4. To revoke or modify any certificate of authority, when any conditions prescribed by law for granting it no longer exist.

5. The insurance commissioner has also power to institute suits and prosecutions, either by the attorney general, or such other attorney as the commissioner may designate,

for any violation of this act; and the commissioner is a necessary party to any proceeding instituted for the purpose of closing up the affairs of any company, when the same shall not be in the name of the state.

SEC. 5. Whoever, without justifiable cause, being within this state, refuses to appear and testify before the commissioner, whenever so required, or obstructs him in the discharge of his duty, shall for each offence be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

SEC. 6. Every instrument executed by the commissioner of this State, or any other state in which the substantial provisions of this act shall be enacted, pursuant to authority conferred by this act, and authenticated by his seal of office, shall be received as evidence in this state; and copies of papers in his office certified by him, and so authenticated, shall be received as evidence in this state with the same effect as the originals.

Every such instrument so executed and authenticated by the commissioner of this state shall be recorded in the same manner, and the same and its record shall have the like effect, as if acknowledged or proved according to law. The impression of the seal may be directly on paper, with or without tenacious substance.

SEC. 7. There shall be paid by every company to whom this act applies, the following fees toward defraying the expenses of executing its provisions:

Upon filing the declaration or certified copy of charter, twenty-five dollars.

Upon filing the annual statement or certificate in lieu thereof, twenty dollars.

For each certificate of authority and certified copy thereof, one dollar.

For every copy of any paper filed with the commissioner, the sum of twenty cents per folio; and for affixing the official seal to such copy and certifying the same, one dollar.

For valuing policies of life insurance companies, ten dollars per million of insurance, or any fraction thereof.

For official examinations of companies under this act, the actual expenses incurred.

For countersigning and registering policies and annuity bonds, the reasonable expenses of custody, registration, and issue.

All fees or fines received or collected by the commissioner under the provisions of this act shall be paid over to the state

treasurer accompanied with a statement in detail on the last week day of every month.

SEC. 8. In case the necessary expense of said commissioner exceed the amount of fees collected under this act, and paid into the state treasury, (exclusive of the tax upon premiums,) the excess of such expense shall be annually assessed by the commissioner, in equal shares, upon all the insurance companies doing business in this state, and the commissioner has power to collect such assessments and pay the same into the state treasury.

SEC. 9. No transfer by the insurance commissioner of securities of any kind, in any way held by him in his official capacity, is valid until countersigned by the treasurer of the state.

Transfer of securities.

It is the duty of the state treasurer:

1. To countersign any such transfer presented to him by the commissioner, when satisfied of the propriety thereof:

2. To keep a record of all such transfers, stating the name of the company from whose account the transfer is made; the name of the transferee, unless transferred in blank; and a description of the security;

3. Upon countersigning, to advise by mail the company concerned of the particulars of the transaction;

4. In his annual report to the legislature, to state the amount of transfers countersigned by him.

SEC. 10. For the purpose of verifying the correctness of records, the commissioner is entitled to free access to the treasurer's record required by section 9, and the treasurer is entitled to free access to the books and other documents of the insurance commissioner, relating to securities held by the commissioner.

TITLE III.

PROVISIONS APPLICABLE TO ALL CLASSES OF COMPANIES.

SEC. 1. It is unlawful for insurers or their agents to make, negotiate, or solicit, within this state, any contract of insurance, except as authorized in this act.

SEC. 2. No company hereafter organized in this state shall make insurance upon the lives of individuals, nor grant, purchase, or dispose of annuities unless organized solely therefor, and doing such business exclusively.

Life insurance.

SEC. 3. No declaration of organization or charter of an insurance company formed under any general law of this state, and no alteration or amendment thereof, shall be

Charters,
Organization,
&c., to be sub-
mitted to At-
torney General.

operative until it has been submitted to the attorney general for examination; and found by him to be in accordance with the provisions of this act, and of such general law, and not inconsistent with the constitution and laws of the United States and of this state; and so certified by him, and delivered to the insurance commissioner.

Investment of
capital stock,
&c.

SEC. 4. The capital stock and accumulations of any insurance company of this state, shall be invested in the bonds or treasury notes of the United States, or national bank stocks, or bonds of this state or any other state of the United States, or of any city, town, or county of this state or of any other state of the United States having legal authority to issue the same, bearing interest at their market value or in any interest or dividend paying stocks or bonds issued under the laws of this state at their known market value, or they may be invested or loaned on mortgages of unencumbered real estate in this or any other state of the United States, worth at least double the amount loaned thereon, exclusive of buildings, except when such buildings are insured and the policies duly assigned as additional security; or loaned on pledges of any of the securities named in this section; Provided always, that the current market value of such pledged securities shall be at all times during the continuance of such loans at least twenty per cent. more than the sum loaned on them, and all such loans are subject to the power of the company to terminate the same in case of depreciation of the securities below the limit; and provided that in all investments made upon mortgage securities the evidence of the debt shall accompany the mortgage or deed of trust.

Dividends.

No dividends shall be paid except from surplus in excess of the minimum capital stock required by law, reserve fund for reinsurance of policies, and other liabilities of the company.

But this section shall not be construed to affect the power of a company to make dividends not impairing its capital and its reserve.

SEC. 5. Before any insurance company of this state shall do any business, the insurance commissioner shall cause an examination to be made, either by himself or by a disinterested person appointed by him for that purpose, who shall certify, under oath, that the capital herein required of the company named in the charter, according to the nature of the business proposed to be transacted by such company has been paid in in money, and invested in such securities as are required by section four of this title.

SEC. 6. Before any insurance company shall commence

business in this State, the following conditions must be complied with.

Conditions before commencing business.

1. It must be fully organized.

2. If it be a company not of this state, a copy of its charter, duly accepted, or its declaration of organization or deed of settlement, duly approved, in section 3, and duly certified by the insurance commissioner or other proper officer of its own state or nation, with his certificate that the company is entitled to assume risks and issue policies therein, together with the stipulation respecting service of process in this state, required by section 21, of this title, and a statement of the place where it is located, must be filed with the insurance commissioner of this state.

3. It must procure from the insurance commissioner of this state a certificate that it has complied with the provisions of the law of this state applicable to it, and is entitled to assume risks and issue policies in this state.

SEC. 7. No person shall act as agent, in this state for any company not of this state, in any matter whatever relating to risks, until the last section has been complied with on the part of the company, and he has received from the insurance commissioner a certificate of authority, stating that the foregoing requirements have been complied with, a record of which certificate shall be kept in the office of the commissioner. A renewal certificate must be procured and filed within sixty days from the first day of January in each year.

Agents to have certificate of authority.

SEC. 8. Every insurance company or agent thereof doing business in this state, shall, in all advertisements of such company or agency, publish the location of the company, giving the name of the city, town, or village in which the company is located, and the state or government under the laws of which it is organized, and in all advertisements and circulars in which the capital of the company so advertising, is stated, the amount at risk on the preceding 31st of December, shall be stated.

Location of company and amount of risks to be published

SEC. 9. It is unlawful for any insurance company of this state to purchase, hold, or convey real estate anywhere, and for any other insurance company to purchase, hold or convey real estate within this state, except for the purposes and in the manner and time following:

1. Such as shall be requisite for its accommodation in the transaction of its business; or

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted or for moneys due; or,

Purpose for which real estate may be held.

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

4. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts.

When real
estate to be sold

Real estate lawfully acquired as aforesaid, and not necessary for the accommodation of the company in the transaction of its business, shall be sold and disposed of within five years after its acquiring title to the same; unless the company procures a certificate from the insurance commissioner that the interests of the company will suffer materially by a forced sale thereof, and extending the time for the sale to a period fixed in said certificate.

Any company of a state in which the provisions of law contained in this act shall be in force, may purchase, hold, and convey real estate within this state, or any other of the said states, for the purposes and in the times and manner above provided for.

Securities to be
compared with
record.

SEC. 10. Every insurance company having deposited security[ies] with the insurance commissioner, whether under this act or any other, must by its president, secretary, or attorney, examine the securities and compare them with the books of the commissioner, once or more in each calendar year, at such times, in or during business hours, as the company may direct, and if found correct, give the commissioner a written acknowledgment that the same, designating the kinds and the amounts, are in his custody at the date of the acknowledgment.

Penalty for violation of law
and false representations.

SEC. 11. If any insurance company doing business in this state, shall violate any of the provisions of this act, or shall, by means of any advertisement, circular, notice or statement, printed or written, published, posted, or circulated through and by the agency of any officer, agent, or other person, or by any other means, falsely represent or hold out to the public that the capital stock of such company is greater than its actual amount, or that the accumulation of such company is greater than its actual cash or market value, every director, officer or agent of such company guilty of any wilful participation therein, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court; and if any such company, after any such false advertisement, posted or circulated, shall receive any money, note, or obligation for the payment of money, from any person, as a consideration

for any insurance made, or policy issued or to be issued by such company, such money, note or obligation, shall be deemed and taken to have been received without consideration, and the directors of such company, and any officer or agent receiving the same, shall be jointly and severally liable in a civil action for the repayment thereof, and shall also, in like manner be liable to the person insured for the amount of the premium paid.

SEC. 12. Every insurance company doing business in this state must transmit to the insurance commissioner a statement of its condition and business for the year ending on the preceding 31st of December, which statement shall be rendered within sixty days thereafter except that foreign companies shall transmit their statement of business, other than that done in the United States, prior to the following first day of July. Said statement must be published at least three times in some newspaper of general circulation printed and published at the capital of the state.

Annual statement, when to be made and published.

SEC. 13. The annual statements required by the last section must be in form, and state the particulars as follows:

First—The amount of the capital stock of the company actually paid in.

Second—The property or assets held by the company, specifying:

1. The value, as nearly as may be, of the real estate held by said company.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same are deposited.

3. The amount of cash in the hands of agents, and in course of transmission.

4. The amount of loans, secured by mortgages and bonds, constituting the first lien on real estate, on which there shall be less than one year's interest due or owing.

5. The amount of loans on which interest shall not have been paid within one year previous to such statement.

6. The amount due the company on which judgments have been obtained.

7. The amount of stocks of this state, of the United States, of any incorporated city of this state, and of any other bonds or stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stock on the day of making statement.

8. The amount of stocks held thereby as collateral security for loans, with the amount loaned on each kind of

Form and contents of annual statement.

Form and contents of annual statement.

Form and con-
tents of annual
statement.

stock, its par value and market value on day of making statement.

9. Amount of interest due and accrued not paid.

Third—The liabilities of such company, specifying :

1. The amount of losses due and yet unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses incurred during the year, including those claimed and not yet due, and including the probable amount of those reported to the company, upon which no action has been taken : *Provided*, that all such losses incurred in the state of Minnesota shall be reported separately and apart from those incurred in any other state or country.

4. The amount of dividends declared and due, and remaining unpaid.

5. The amount of dividends, if any, declared but not yet due :

6. The amount of money borrowed, and security, if any, given for the payment thereof.

7. All other existing claims against the company.

8. The gross amount of risks taken during the past year.

9. The amount of risks taken in the state of Minnesota during the past year.

10. The whole amount of risks outstanding.

11. The amount of outstanding risks in the state of Minnesota.

12. The whole amount of unearned premiums on outstanding risks.

13. The amount of unearned premiums on outstanding risks in the state of Minnesota.

Fourth—The income of the company during the preceding year, specifying :

1. The whole amount of cash premiums received.

2. The amount of premiums received on policies issued in the state of Minnesota.

3. The whole amount of interest money received.

4. The amount of interest money received on loans in the state of Minnesota.

5. The whole amount of income received from other sources.

Fifth.—The expenditures during the preceding year, specifying :

1. The whole amount of losses paid during the past year, stating how much of the same accrued prior, and how

Form and con-
tents of annual
statement.

much subsequent, to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement.

Form and contents of annual statement.

2. The amount of losses paid upon risks taken in the state of Minnesota, during the past year, stating how much of the same accrued prior, and how much subsequent, to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement.

3. The amount of dividends paid during the past year.

4. The whole amount of salaries paid officers and agents of the company.

5. The amount of salaries paid officers and agents employed in the state of Minnesota.

6. The whole amount of commissions and fees paid officers and agents.

7. The amount of commissions and fees paid officers and agents employed in the state of Minnesota.

8. The whole amount of all and any other expenses not herein enumerated.

9. The amount of taxes paid, specifying separately and apart the amount paid in this state.

10. The amount of fees of all and every kind paid the treasurer of the state of Minnesota, specifying date, for what purposes, and amount.

Sixth—The number of agents and other officers employed in the state of Minnesota.

SEC. 14. The insurance commissioner may require, at any time, statements from any company doing business within this state, or any of its officers or agents, on such points as he deems necessary and proper, to elicit a full exhibit of its business and standing.

Commissioner may require statement at any time.

SEC. 15. The statement required under this act must be verified by the signature and oath of the president or vice-president, with those of the secretary or actuary; or by those of a majority of the directors.

Statement how verified.

SEC. 16. No company having neglected to file a statement required from it, within the time and in the manner prescribed, shall do any new business, after a notification by the commissioner, while such neglect continues.

No company to do business without statement.

SEC. 17. Any company willfully neglecting to make and transmit any statement required shall forfeit one hundred dollars for each day's neglect.

Forfeiture for neglect to furnish statement.

SEC. 18. Any company or person willfully making a false statement in any report to the commissioner is liable to a penalty of \$500, which sum must be paid to the commissioner, in default of which the certificate of authority shall be revoked.

Penalty for false statement

Commissioner
may defer pub-
lication of
statement.

SEC. 19. The insurance commissioner has authority to prevent publication of any part of the statement, made under this article, until his annual report to the legislature is made.

Receiver or
trustee of com-
pany to make
statement.

SEC. 20. Every receiver or other judicially appointed trustee of an insurance company of this state, must make the statements required under this article, and all the provisions of this article shall apply to such receivers or trustees.

Stipulation as
to service of
process.

SEC. 21. No insurance company [not] of this state, nor its agents, shall do business in this state, until it has filed with the insurance commissioner of this state, a written stipulation, duly authenticated by the company, agreeing that any legal process affecting the company, served on the insurance commissioner, shall have the same effect as if served personally on the company within this state.

Process how
served.

Any such company may, at its option, explicitly designate in its stipulation its principal office or agency in this state, and in such case the stipulation may be that any legal process served on the insurance commissioner, and also on the person in charge of such office at the time when service is made, shall have the same effect as if served personally on the company; and that if there be no person in charge, or if he keeps himself concealed, or avoid service, such process may be served on him, or at such office, by publication, or posting or otherwise, in the manner which shall then be prescribed by the law of this state for substituted service; and that if such company should cease to maintain such an office in this state, so designated, such process may thereafter be served on the insurance commissioner alone.

Stipulation as
to process
irrevocable.

SEC. 22. So long as any liability of the stipulating company to any resident of this state continues, such stipulation cannot be revoked or modified; except that a new one may be substituted so as to require or dispense with service at the office, or to change the designation of such office.

What deemed
sufficient per-
sonal service.

SEC. 23. Service of process, according to a stipulation under section 21, shall be sufficient personal service on the company.

Evidence of
sufficiency of pro-
cess.

A copy of such stipulation certified by the commissioner and his certificate of revocation or modification of such stipulation, that a company has no office within the state duly designated by such stipulation, and that process has been duly served on him, or either of such facts, shall be sufficient evidence thereof.

SEC. 24. When process against or affecting an insur-

ance company is served on the insurance commissioner, he must file the same, and forthwith mail a certified copy to the company at its home office, postage prepaid.

Commissioner to mail copy of process.

SEC. 25. The term "process," in this act includes any writ, summons, or order, whereby any action, suit, or proceeding shall be commenced, or which shall be issued in or upon any action, suit, or proceeding.

Process how defined.

SEC. 26. Whenever a judgment for the recovery of money has heretofore been or hereafter may be recovered in any of the courts of this state or in any of the courts of the United States having jurisdiction in this state, against any insurance company or against any association, partnership, firm or individual engaged in the business of insurance, and holding a certificate of authority therefor from the state treasurer, under the laws of the state or from the insurance commissioner under this act, and an execution thereon is issued and duly returned unsatisfied in whole or in part, proof is made by any person, by filing with the insurance commissioner a certified transcript of the docket of such judgment, together with a certificate of the clerk of the court in the county where the judgment roll in said action is filed and the judgment therein is docketed, that an execution has been issued on such judgment to the proper officer of such county and returned unsatisfied in whole or in part, and with the date of issuing and return, the insurance commissioner shall forthwith revoke all authority or license for the transaction of any kind of insurance business within this state conferred upon such insurance company, association, partnership, firm or individual by any certificate therefor, granted by said commissioner to such company, association, partnership, firm or individual under the provisions of this act, and shall withhold therefrom any new certificate of authority, such as is contemplated herein, until such judgment so docketed against such company, association, partnership, firm or individual, is wholly paid and satisfied, and proof thereof filed with such commissioner by the official certificate of the clerk of the court in the county where the judgment roll is filed and judgment docketed, showing that the same is satisfied of record, and until the expenses and fees incurred in the case under the provisions of this title are also paid by such company, association, partnership, firm or individual; and the insurance commissioner shall also forthwith cause notice of such revocation of authority to be published in some daily newspaper, printed and published at the capital of the state for at least one week; and during the time such authority or license remains so revoked

Revocation of authority upon non-satisfaction of judgment.

it shall be unlawful for the company, association, partnership, firm or individual holding such revoked certificate of authority or any of its agents or officers, to issue or renew any policies of insurance, take any risks, or transact any business relating to insurance, except such as is absolutely necessary in closing up its affairs in this state.

Transfer of
duties and re-
sponsibilities to
commissioner.

SEC. 27. All duties heretofore required to be performed by, or responsibility imposed upon, the state treasurer of this state under the existing laws regulating insurance companies, shall hereafter be performed by the insurance commissioner, so far as such duties and responsibilities are not changed, modified or repealed by this act.

Annual tax
upon gross pre-
miums.

SEC. 28. All insurance companies doing business in this state, under the provisions of this act, shall annually, at the time the certificate of authority is granted, pay the treasurer of state two per cent. on all premiums received in cash, and other obligations, except what are denominated insurance deposit notes, representing dividends of the company, by their agents or attorneys in this state during the year ending on the preceding thirty-first day of December, which sum shall be paid into the general revenue fund, and shall be in lieu of all other taxes or licenses to be collected from said companies in this state.

Responsibility
of agents—pen-
alty for em-
bezzlement.

SEC. 29. Agents or employees of any insurance company doing business in this state, appointed or authorized to solicit for applications for insurance, to issue policies, to collect premiums on the same, to adjust losses, or to transact any other duties or business for such companies, shall be held personally responsible to such company for any moneys or property received by them for such company; and in case any such agent or employee shall embezzle or fraudulently convert to his own use, or shall take or secrete, with intent to embezzle and convert to his own use, without the consent of such company, any money or other property belonging to such company, which he shall have collected or which shall otherwise come into his possession, or shall be under his care or control by virtue of such agency or employment, or shall receive any consideration other than such allowed by the company for which he is acting, in the settlement or adjustment or payment of a loss, with intent to defraud either said company or any insurer, he shall be deemed guilty of the crime of larceny, and on conviction therefor shall be subject to the fines and penalties provided by statute for the punishment of larceny.

If any person or persons insured in any company doing business in this state as provided in this act, shall willfully

make any false statement, under oath, in making any claim or proof of loss, as required by said company, they shall be deemed guilty of a felony and shall suffer the pains and penalties of perjury as provided by the laws of this state.

False statements how defined and punished.

TITLE IV.

FIRE INSURANCE COMPANIES.

SEC. 1. No joint-stock fire insurance company shall be organized in this state, or do business in this state, unless it has two hundred thousand dollars capital.

Capital required of fire and marine companies.

No joint-stock fire, inland or marine insurance company of any other state or nation shall do business in this state unless it has at least three hundred thousand dollars capital.

SEC. 2. No mutual fire insurance company not of this state shall do business in this state.

Outside mutual fire companies forbidden.

SEC. 3. No fire or inland insurance company of this state, or doing business in this state, shall expose itself to any loss on any one fire or inland navigation risk or hazard, either by one or more policies, to [an] amount exceeding five per cent. of its paid up capital in the case of a fire, or ten per cent. in the case of an inland insurance company, whether reinsured or not.

Limitation as to single risks.

SEC. 4. No fire insurance company shall make any dividend, except from the surplus profits arising from its business. In estimating such profits, there shall be reserved therefrom :

Dividends to be from surplus profits.

1. A sum equal to the whole amount of premiums on unexpired risks and policies, which are hereby declared to be unearned premiums ;

2. All sums due the company on bonds and mortgages, bonds, stocks, and book accounts, of which no part of the principal, nor the interest thereon, has been paid during the preceding year, and for which foreclosure or suit has not been commenced, or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid ; and,

Reservation from estimated profits.

3. All interest due or accrued and remaining unpaid.

Provided, That any company may declare dividends not exceeding fifteen per cent. on its capital stock, in any one year, that possesses an accumulated fund in addition to the amount of its capital stock, and of such dividend, and all actual outstanding liabilities equal to one half of the amount of all premiums on risks not terminated at the time of making such dividend. Any dividend made contrary to this section shall subject the company making the same to a forfeiture

Dividends from accumulated funds.

of its charter, and each stockholder receiving it to a liability to the creditors of such company, to the extent of the dividend received, beside the other penalties and punishments prescribed by law. This section shall not apply to the declaration of scrip dividends by participating companies; but no such scrip dividend shall be paid, except from surplus profits after reserving all sums as above provided, including the whole amount of premiums on unexpired risks.

Term year how defined.

The word "year," wherever used in this section, shall be construed to mean the calendar year.

Regulation as to participation in profits.

SEC. 5. Any joint-stock fire insurance company may (upon the written consent of the holders of three fourths in amount of the stock) permit the insured to participate in the profits of its business, and provide how far any scrip, issued to the insured for such profits, shall be liable for the losses to be sustained; and any company so doing, whenever an amount not less than one hundred thousand dollars has been accumulated, and scrip so issued therefor, may, upon the written consent of the holders of three fourths in amount of the stock, pay off and cancel an amount of the original cash capital equal to one half of the accumulated profits, and so may continue from time to time until the whole amount of the original cash capital is paid off; provided, that before any portion of such capital stock shall be so paid off, proof shall be exhibited to the insurance commissioner that an amount of accumulated profits has been realized, scrip issued therefor, and investment made thereof, pursuant to the provisions of section 4 of title III, of this act, at least equal to double the amount so desired to be paid off and cancelled, and the said commissioner shall also first certify that he is satisfied with such proof.

No deposit required of complying companies.

SEC. 6. No fire insurance company of any other state of the United States, in which the substantial provisions of this act shall be enacted, shall be required to make any deposit in this state.

Deposit required of foreign companies.

SEC. 7. No foreign fire insurance company shall do business in this state, unless it has on deposit with the commissioner of this state, for the benefit of all its policy-holders in the United States, the sum of two hundred thousand dollars invested and valued as prescribed in section 4 of title III, or unless it has complied with the next section.

When certificate filed no deposit required.

SEC. 8. A foreign fire insurance company, which has its principal office in the United States in any state where the provisions of law contained in this act shall be in force, may file with the insurance commissioner of this state a certifi-

cate made by the insurance commissioner of such other state, that he holds a deposit made by such company, such as is described in the last section.

No deposit shall be required in this state from such company while the deposit so certified remains sufficient.

SEC. 9. No foreign insurance company shall make any contract of insurance against loss or damage by fire or inland navigation risks, nor expose itself to any such loss by any one risk, for any greater amount in proportion to its capital, as determined by the following provisions, than companies of this state may.

Foreign to take no greater valuation risks than home companies.

SEC. 10. For the purposes of this act the capital of any foreign insurance company, doing fire insurance business in this state, shall be deemed to be the aggregate value of its deposits with the insurance or other departments of this state, and of the other states of the United States, for the benefit of policy holders in any such state, or in the United States, and its assets and investments certified according to the provisions of this act in the United States, after making the same deductions therefrom for losses and all liabilities within the United States, and for premiums on unexpired risks as are made in the case of companies of this State; provided that such assets and investments be vested in and held within the United States by trustees, citizens of the United States, appointed by the board of directors of the company, and approved by the insurance commissioner of the state where invested for the benefit of the policy holders and creditors in the United States. The trustees so chosen are hereby empowered to take, hold, and convey real and personal property for the purposes of the trust, subject to the same restrictions as insurance companies of this state.

Capital and trusts of foreign companies how defined and regulated.

SEC. 11. The annual certificate of the insurance commissioner, given to any foreign fire insurance company [or] its agents, within this state, under section 8, must state the amount of capital of the company, ascertained by him as defined in the last section.

Certificate to state amount of capital.

SEC. 12. All the provisions contained in this title respecting fire insurance companies, shall apply to companies doing an inland insurance business, so far as, from the nature of the business of inland insurance, the same may be applicable.

Requirements of inland insurance companies

SEC. 13. Any fire insurance company already organized under the laws of this state and doing a farm business only may continue to do such business by possessing twenty-five thousand dollars invested by deposits in national banks or as provided in section 4, title 3 of this act, and comply with

Exemptions of existing home companies doing former business.

the other provisions of this act, so far as applicable, but shall be exempt from complying with section 28, title 3. and section 3, title 2.

TITLE V.

LIFE INSURANCE COMPANIES.

Capital required of life companies.

SEC. 1. No life insurance company shall be organized or do business in this state, unless it has at least one hundred thousand dollars, capital or assets, invested as provided in this act.

SEC. 2. No life insurance company of this state shall do business in this state or elsewhere, and no other life insurance company, except as provided in section 13 of this title, shall do business in this state, unless it has on deposit with the insurance commissioner or other financial officer of this state, as security for all its policy-holders, stocks or bonds of this state or of the United States to an amount the actual market value of which, exclusive of interest, shall never be less than one hundred thousand dollars, which stock or bonds shall be retained by the commissioner or other designated officer and disposed of as directed by law:

Securities required of life companies.

Provided, however, that personal obligations, secured by first mortgages on real estate within this state, worth, exclusive of all buildings, at least double the amount of the lien, and bearing an interest of not less than six per cent. per annum, may be received by the said financial officer of this state, instead of bonds or stocks, to the amount of not exceeding fifty thousand dollars.

Deposit to be held while liability exists.

SEC. 3. As long as any policies of the depositing company remain in force, the insurance commissioner shall hold the deposit mentioned in the last section as security for all holders of its policies.

Certificate from other commissioner to be in lieu of deposit

SEC. 4. Any life insurance company of any other state of the United States in which the provisions of law contained in this act shall be in force, may file with the insurance commissioner of this state a certificate of the insurance commissioner of such other state, that, as such officer, he holds in trust and on deposit, for the benefit of all the policy-holders of such company, the deposit above described, stating the items of the securities so held; and that he is satisfied that such securities are worth one hundred thousand dollars.

No deposit shall be required in this state while the said deposit so certified remains.

SEC. 5. When any life insurance company, doing business in this state, desires to relinquish its business, the insurance commissioner shall, on its application, under the oath of the president or vice-president, and secretary or actuary, give notice of such intention in a public newspaper, published at the state capital, at least twice a week for six months; and after such publication he shall deliver up to such company, or its assigns, any securities held by him belonging to it, on being satisfied by the exhibition of its books and papers, and on examination, by himself or a person appointed by him, and upon the oath of the president or vice-president, and the secretary or actuary of the same, that all liabilities due or to become due, on any agreement made with any citizens of the United States, are paid and extinguished. And the commissioner may also, from time to time, deliver up to such company, or its assigns, any part of said securities, on being satisfied by any other competent proof that all liabilities due, or to become due on any agreement made by it, are less than one half the amount of the securities he still retains.

Securities how
surrendered on
relinquishment
of business.

Any foreign life insurance company having made such publication, may, in the discretion of the insurance commissioner, withdraw one half of its deposit of one hundred thousand dollars, on registering, according to the provisions of law for registered policies, all its outstanding policies issued to citizens or residents of the United States, and covenants to maintain unimpaired the reinsurance deposit for such registered policies at all future times, and specially pledging for their security all future premiums payable on American policies.

SEC. 6. Any life insurance company of this state may, at any time, assign to the insurance commissioner securities, such as are described in section two (2), to the amount of twenty-five thousand dollars or more, in addition to the deposits required by that section, to be held by him in trust for the benefit of all holders of its policies and bonds registered under section seven (7,) and not to be transferred by him without the written application of the company, or its receiver duly appointed, and for the purpose of paying such holders.

Provision for
additional securities.

SEC. 7. Upon being furnished by the depositing company with policies and annuity bonds, consecutively numbered, executed by the company in duplicate, each bearing the words, "The present net value of this policy is secured

Registration
and delivery of
policies and
bonds.

by pledge of public stocks or bonds and mortgages," and such denominations and amounts as the company may require, within the limits prescribed by section six (6), the commissioner shall register the same in books provided for the purpose, and countersign, seal, and deliver to the company the originals, and file the duplicates.

Mutilated registered policies and annuity bonds, issued to a company, shall be received back by the commissioner, and others delivered in lieu thereof, of like tenor and date; and in case of lost policies or bonds, he shall furnish certified copies of the duplicates on file.

Renewal re-
ceipts and can-
cellation how
regulated.

SEC. 8. Receipts for renewal premiums on registered policies must be countersigned or stamped by the insurance commissioner, and no policies shall be marked off or cancelled on the books of a registering company, except those the renewal receipts for which are returned to the commissioner, or other proof satisfactory to the commissioner is furnished, that they have not been taken or have ceased to be in force.

Valuation of
policies and
withdrawal of
securities.

SEC. 9. The commissioner shall value the policies and annuity bonds chartered under the last section, according to the rules prescribed by section 3, title 2, and in no case shall the aggregate amount of the net value of said policies and bonds issued to any company exceed the value of the securities he holds by its transfer, as provided in section 2, title 5.

He may, upon satisfactory proof presented in writing and filed with him, that the securities so held by him exceed the net present value of outstanding registered policies and annuity bonds issued to the depositing company, allow it to withdraw the excess.

Non-liability of
the State.

SEC. 10. Nothing in this act shall be construed as implying any obligation on the part of the state to pay policies or annuity bonds of companies, except as to the net value thereof by a proper application of the securities deposited or transferred to the objects declared by the act.

Solvent com-
panies to col-
lect dividends
on deposited
securities.

SEC. 11. So long as any deposit required by this article is kept good, and the depositing company is solvent, the commissioner may permit the company to collect the interest or dividends on its securities so deposited; and from time to time to withdraw any such securities, on depositing with him others of equal value and like character.

SEC. 12. Any life insurance company, organized under a law of Congress, shall elect one state, in which its policies shall be valued, and the certificate of the proper officer of such state that such has been done, shall be received by the

commissioner of this state, as of the same force and effect as if such company had been organized under the laws of such state.

Foreign company to be governed by elected state.

And such company shall comply with the law of the state so selected as regards the deposit required to be made therein for the protection of policy holders; and the certificate of the commissioner of such state that said deposit has been duly made, shall be received by the commissioner of this state as of the same effect as if said company had been organized under the laws of the state so selected.

SEC. 13. Life insurance companies doing business exclusively on the mutual plan, are hereby exempted from the provisions of sections one (1) and two (2) of this title, and may do business in this state, provided they have on hand, exclusive of all debts and liabilities, the net value of all their policies in force calculated as provided in subdivision four of section three (3) of title II of this act, subject, however, to all other regulations and provisions of this act.

Exemption of mutual home companies.

TITLE VI.

MARINE INSURANCE COMPANIES.

SEC. 1. No joint-stock marine insurance company shall hereafter be organized in this state, unless it has a paid-up capital of at least five hundred thousand dollars.

Capital of future marine companies.

SEC. 2. No marine insurance company of any of the states in which the substantial provisions of this act shall be enacted, shall be required to make any deposit in this state.

No deposit required of company under similar laws.

SEC. 3. No foreign marine insurance company shall do business in this state, unless it has on deposit with the commissioner of this state the sum of four hundred thousand dollars invested and valued as prescribed in section four (4) of Title III. or unless it has complied with the next section.

Capital required of foreign marine company.

SEC. 4. A marine insurance company of a foreign nation which has its principal office for the United States in any state in which the substantial provisions of this act shall be enacted, may file with the insurance commissioner of this state a certificate made by the insurance commissioner of such other state, that he holds a deposit made by such company, such as is described in the last section.

Foreign marine company may file certificate in lieu of deposit.

No deposit shall be required in this state from such company while the deposit so certified remains.

SEC. 5. All acts and parts of acts and laws of this state now in force, inconsistent or in conflict with the several provisions of this act are hereby repealed; but the repeal

Repeal of
former acts
not to invali-
date vested
rights.

of such acts and laws shall not in any manner affect, injure or invalidate any vested rights of any insurance company or any contracts, suits, rights, claims or demands that may have been heretofore duly and lawfully issued, commenced, made, performed, or that may exist, in favor of or against an insurance company or other corporation, partnership, firm or person, under or by virtue or in pursuance of the laws and acts, or any of them, but the same shall exist, and be in force and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER II.

March 2, 1872.

An Act to amend Section 18, Chapter 36, Title 1, of the General Statutes of this State, in relation to Common Schools.

SECTION 1. Amendment to section 18, chapter 36, title 1, general statutes.

Section 18. Relating to special meetings of school boards

Be it enacted by the Legislature of the state of Minnesota :

SECTION 1. That section 18, chapter 36, title 1, of the general statutes of Minnesota in relation to common schools shall be amended so as to read as follows :

Relating to
special meet-
ings of school
boards.

Section 18. The clerk shall give at least ten days' notice of each annual or special meeting by posting up three notices thereof in conspicuous places in the district. Every notice for a special meeting shall set forth all the objects for which such meeting is called. Special meetings shall be called on the order of the board of trustees, or by the request of five or more freeholders of the district. Provided, that whenever there is no district clerk, or the clerk refuses or neglects

for three days to post up notice for a special school meeting, after requested by five or more freeholders or householders of the district, a special school meeting may be called by posting three notices thereof in three conspicuous places in said district duly signed by five or more freeholders or householders, being qualified electors in the district; and provided further, that at any annual meeting the legal voters present may act upon any matter properly before them, except the raising of money for building or purchasing a school house or fixing the site thereof, without its being particularly set forth in the notice.

Proviso relating to annual meeting.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1872.

CHAPTER III.

An Act to amend Sections fifty and fifty-one of Chapter thirty-six of the General Statutes of Minnesota relating to County Superintendents of Schools.

March 2, 1872.

SECTION 1. Amendment to section 50, chapter 36 of general statutes.

Section 50. County superintendents to hold examinations for licensing teachers—Proviso for teachers unable to attend.

2. Amendment to section 51 of chapter 36 of general statutes—Proviso relating to first grade certificates.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section fifty (50) of chapter thirty-six (36) of general statutes of Minnesota relating to county superintendents of schools, is hereby amended so as to read as follows :

Section 50. Each county superintendent of schools shall hold each spring and fall, in and for his county, at least three meetings for the examination and licensing of teachers,

Spring and fall
examinations
to be made.

one of which shall be held at the county seat, of which meetings, at least ten days' notice shall be given by publication in the newspapers in the county, and the posting of such notices and in such public places as may be deemed necessary by the county superintendents. The examination[s] thus held shall be conducted by written and oral questions and answers. They shall be uniform in the county in which they are held, and no certificate of qualification shall be given by any county superintendent except upon his own personal examination held in accordance with the provisions of this section.

Provided, That any teacher may be examined by the county superintendent at any time, other than as above specified on proof that such teacher was unable to be present at the public examination above provided for, and on payment to the county superintendent of fifty cents for making such examination.

SEC. 2. Section fifty-one of said chapter thirty-six is hereby amended by adding thereto the following:

Relating to
first grade cer-
tificates.

Provided, That all applicants for first grade certificates shall be examined in elementary algebra, elementary plane geometry, physical geography, physiology and the theory and practice of teaching, in addition to the other branches prescribed in this section.

SEC. 3. This act shall be in force from and after its approval.

Approved March 2, 1872.

CHAPTER IV.

An Act to amend Section seventy-three (73) of Chapter thirty-six (36) of General Statutes of the State of Minnesota in relation to Independent School Districts.

March 2, 1872.

SECTION 1. Amendment to section 73 of chapter 36 of the general statutes.
 Proviso relating to examination of teachers by county superintendent.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section seventy-three (73) of chapter thirty-six (36) of general statutes of the state of Minnesota in relation to independent school districts, is hereby amended by adding thereto the following:

Provided, That any examination of teachers herein provided for, may, at the request of the board of examiners, be made by the county superintendent of schools of the proper county, whose certificate as herein provided when countersigned by said board of examiners shall be valid as their own act.

Relating to
 examination of
 teachers.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1872.

CHAPTER V.

March 2, 1872. *An act to amend section eleven (11) of chapter thirty-seven (37) of the general statutes, in relation to State Normal Schools.*

SECTION 1. Amendment to section eleven, chapter thirty-seven of General Statutes, relating to normal schools.

Section 11. Tuition to be free, upon engaging to become teachers—
diplomas to be given on satisfactory examination.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to
section 11.
chapter 37,
General Stat.

SECTION 1. Section eleven (11) of chapter thirty-seven (37) of the general statutes, in relation to state normal schools is hereby amended so as to read as follows :

No charge for
tuition, upon
engaging to be-
come teachers.

Sec. 11. There shall be no charge for tuition to persons who may be admitted to the privileges of the state normal schools, and who shall engage to become teachers in the public schools of the state for such times and on such conditions as shall be prescribed by the normal school board. All students after passing through the regular course of study prescribed for the normal schools, shall be entitled to receive an examination as to their qualifications to teach in the common schools of this state, by the principal of the normal school, and if after such examination, the student so examined shall be deemed qualified to teach in said common schools, a diploma shall be given to said student signed by the principal of the normal school and the president of the normal school board.

SEC. 2. This act shall be in force from and after its passage.

Approved March 2, 1872.

CHAPTER VI.

An Act to amend section 2 of chapter 5 of General Laws of 1870; being an Act entitled "An act to define the duties of County Superintendents of Schools."

February 29,
1872.

SECTION 1. Amendment to section two of chapter five of General Laws of 1870.

2. Abstract of the number of persons in each school district to be filed before the last Wednesday of October.
3. Repeal of acts inconsistent herewith.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section 2 of chapter 5 of general laws of 1870, being an act entitled an act to define the duties of county superintendents of schools, be and the same is hereby amended so as to read as follows:

Amendment to
section 2, chap-
ter 5, general
laws of 1870.

SEC. 2. It shall be the duty of the county superintendent of schools, on the day before the last Wednesday of October of each year, to file with the county auditor an abstract of the number of persons in each school district in his county, between the ages of five and twenty-one years, which number shall be made the basis for the apportionment of the school money for that school year, and also of the number of months of school taught in each district by a legally qualified teacher, as shown by the annual report of school district clerks, legally made to him for the school year ending September 30th, last past.

County super-
intendent to
file abstract of
school children

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal of in-
consistent acts

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER VII.

March 2, 1872. *An Act to amend an Act approved March 2d, 1868, entitled an Act to amend sections twenty (20), and twenty-one (21), of chapter thirty-six (36), of the General Statutes, relating to Common Schools, and to regulate the duties of the State Superintendent of Public Instruction.*

SECTION 1. Amendment to section twenty of chapter thirty-six of the General Statutes.

Relating to the duties of school district clerks.

2. The state superintendent to furnish school registers and other blanks for county superintendents.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section twenty (20), particularly described in section two (2) of said amendatory act, is hereby amended so as to read as follows:

Manner of
drawing orders
on school
treasurer.

Sec. 20. The clerk shall draw orders on the treasurer of the district for the payment of teachers or for any other lawful purpose; and when such orders are attested by the director they shall be paid by the treasurer. Each order shall be dated and numbered; state the services or consideration for which it was drawn, and the person rendering such service or consideration, and shall be recorded in a book kept by the clerk for that purpose. The clerk shall procure from the county superintendent of schools and furnish to the teacher, a register for his school, which register shall be deposited by the teacher with the clerk at the close of each term, and before any money shall be paid or order drawn for the payment of such teacher. The clerk shall procure from the county superintendent, blanks upon which to make his reports to such superintendent. The clerk shall procure from the county auditor record books and blanks for the use of the clerk and treasurer of the district, containing such forms and instructions as may be prescribed by the state superintendent of public instruction. The county auditor of each county shall procure and furnish to the clerk of each school district in his county such record books and blanks, the expense of which shall be paid by the county treasurer out of the funds arising from the two mill school tax, to be paid on the warrant of the county auditor: provided, that if any order drawn for the payment of a teacher, is presented to the treasurer for payment and is not

Register to be
kept, blank
forms to be
furnished.

paid for the want of funds, the treasurer shall make a written statement over his signature, by endorsement on such order, with date showing such presentation and non-payment, and shall make and keep a record of such endorsement. Such order shall thereafter draw interest at the rate of ten per cent. per annum until the treasurer shall notify the clerk in writing that he is prepared to pay such order.

SEC. 2. The state superintendent of public instruction shall prepare and distribute, through the county superintendents, proper school registers for teachers, and blanks to the clerks of districts for their reports to the county superintendents, and also blanks for the county superintendents and county auditors upon which to report to the state superintendent; and he is hereby authorized to procure such registers and blanks from the state printer: providing, the cost of such registers shall not exceed twenty cents each.

School registers to be furnished by state superintendent

SEC. 3. This act shall be in force from and after its approval.

Approved March 2, 1872.

CHAPTER VIII.

An Act to provide for the revision and codification of existing laws in relation to Common and Normal Schools.

February 29,
1872.

SECTION 1. Superintendent of Public Instruction to prepare a revision and codification of school laws.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It is hereby made the duty of the superintendent of public instruction to prepare or cause to be prepared, a revision and codification of existing laws in relation to common schools and normal schools, and submit the same to the legislature at the commencement of its next

Revision of existing laws relating to schools to be prepared.

regular session, with suggestions of any amendments or additions necessary to their harmony or perspicuity; provided, that the same is done free of expense to the state.

SEC. 2. This act shall take effect and be in force from and after its approval.

Approved February 29, 1872.

CHAPTER IX.

February 28,
1872.

An Act to allow the County Superintendent of common schools a Deputy und to pay him out of his own salary.

SECTION 1. County superintendents authorized to appoint deputies, not to exceed sixty days.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Deputy superintendents may be appointed, when.

SECTION 1. Any county superintendent of common schools in the state of Minnesota, in case of his disability by reason of sickness to attend to his duties, may appoint a deputy superintendent who shall have all the power and privileges with which the superintendent is now vested, provided that no such deputy or deputies shall serve in any county more than sixty days in one year.

Salary to be paid by county superintendents.

SEC. 2. The salary of the deputy superintendent shall be paid by the county superintendent of schools, by whom he shall also be appointed subject to the approval of the county commissioners of the county in which said superintendent is an officer.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 28th, 1872.

CHAPTER X.

An Act to amend Chapter One, of the Session Laws of 1868, relating to the University of Minnesota,

February 29,
1872.

- SECTION 1. Amendment to section two chapter one of session laws of 1868, relating to colleges or departments in the State University.
2. Amendment of section three of said act, relating to the government of the university.
 3. Amendment to section four of said act, relating to voting members.
 4. Amendment to section five of said act, relating to the secretary.
 5. Amendment to section five of said act, relating to the election of a vice president.
 6. Amendment to section thirteen of said act, relating to the annual report of regents.
 7. Amendment to section fourteen of said act, relating to the annual report of the president of the university.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two, of chapter one, of the session laws of 1868, entitled an act to organize and provide for the government and regulation of the university of Minnesota, and to establish an agricultural college therein, be amended so as to read as follows:

There shall be established in the university of Minnesota, five or more colleges or departments, that is to say, a department of elementary instruction, a college of science, literature and the arts, a college of agriculture, including 'military tactics,' a college of the mechanic arts, a college or department of law, and also a college or department of medicine. The department of elementary instruction may be dispensed with, at such rate and in such wise, as may seem just and proper to the board of regents.

The departments of the university.

SEC. 2. That section three of said act, shall be amended by striking out the four first lines of the section, down to and including the word "members," and inserting instead thereof the following:

The government of the university shall be [invested] in a board of ten regents, of which the governor of the state, the state superintendent of public instruction, and the presi-

The government of the university.

dent of the university shall be members, *ex-officio*; and add at the end of said section, the words, the president of the university shall have the same rights, powers and privileges as other members, except the right of voting, and he shall be, *ex-officio*, the corresponding secretary of the board of regents.

Voting members.

SEC. 3. That section four of said act shall be amended by striking out the words, "their number," in the sixth line, and inserting the words, "voting members," instead thereof.

Relating to secretary.

SEC. 4. That section five of said act shall be amended by inserting the word recording before the word "secretary," in the second line of said section.

Relating to vice president.

SEC. 5. That section five of said act shall be amended by inserting the words, "and in their discretion a vice-president," after the word "university," in the fourth line of said section; and in the nineteenth line of said section insert the word recording before the word secretary.

Annual report of board of regents.

SEC. 6. That section thirteen of the said act be amended so as to read as follows:

On or before the second Tuesday of December in each and every year, the board of regents, through their president, shall make a report to the governor, showing in detail the progress and condition of the university during the previous university year—the wants of the institution in all its various departments—the nature, costs and results of all improvements, experiments and investigations—the number of professors and students—the amounts of money received and disbursed—and such other matter, including industrial and economical statistics, as they may deem important or useful. One copy of the said report shall be transmitted to each of the other colleges which shall be endowed under the provisions of said act of the congress, and one copy to the secretary of the interior.

Annual report of president of university.

SEC. 7. That section fourteen of the said act be amended so as to read as follows:

The president of the university shall be the president of the general faculty and of the special faculties of the several departments or colleges, and the executive head of the institution in all its departments. As such officer, he shall have authority, subject to the board of regents, to [give] general direction to the practical affairs and scientific investigations of the university, and in the recess of the board of regents to remove any employee or subordinate officer not a member of the faculty, and supply, for the time being, any vacancies thus created. He shall perform the customary duties of a corresponding secretary, and

may be charged with the duties of one of the professorships. He shall make to the superintendent of public instruction, on or before the second Tuesday in December in each and every year, a report, showing in detail the progress and condition of the university during the previous university year—the number of professors and students in the several departments—and such other matters relating to the proper educational work of the institution as he shall deem useful. It shall also be the duty of the president of the university to make to the board of regents, on or before the second Tuesday in December in each and every year, a report, showing in detail the progress and condition of the university during the previous university year—the nature and results of all important experiments and investigations—and such other matters, including economical and industrial facts and statistics, as he shall deem useful.

SEC. 8. This act shall be in force from and after its approval.

Approved February 29, 1872.

CHAPTER XI.

An Act proposing an Amendment to Article nine of the Constitution of the State by adding thereto a new section authorizing an Increase of the Public Debt for certain special purposes.

February 29.
1872.

SECTION 1. Proposed amendment to article nine of the constitution by adding a new section.

Section 14. To increase the public debt, for the erection and completion of asylums for the insane, and deaf, dumb, blind, and state prison.

2. Manner of submission to the people.
3. The form of ballot to be used.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following amendment of the constitution of the state is hereby proposed for publication, and approv-

Proposed constitutional amendment.

al or rejection by the people, that is to say: Article nine of the constitution shall be amended by adding thereto **a new section** to be the fourteenth section of said article, which **new section** shall read as follows, viz:

Public debt for buildings for insane, deaf, dumb and blind, and state prison.

SEC. 14. For the purpose of erecting and completing buildings for a hospital for the insane; a deaf, dumb and blind asylum, and state prison, the legislature may, by law, increase the public debt of the state, to an amount not exceeding two hundred and fifty thousand dollars, in addition to the public debt already heretofore authorized by the constitution, and for that purpose may provide by law for issuing and negotiating the bonds of the state, and appropriate the money only for the purpose aforesaid, which bonds shall be payable in not less than ten nor more than thirty years, from the date of the same, at the option of the state.

Submission to the people.

SEC. 2. This proposed amendment shall be submitted to the people for their approval or rejection at the next general fall election next ensuing after the passage of this act, and in the cities and incorporated towns at the next general fall election after the passage of this act, and the qualified electors of the state, in their respective districts, may, at such elections, vote by ballot for or against said amendment and the votes shall be canvassed and returns made to the secretary of state in the manner provided by law for canvassing the votes for members of congress, and if it shall appear therefrom, that a majority of the electors present, and voting, for or against the proposed amendment to the constitution, as provided in the next section, have voted in favor of the same, then the governor shall make proclamation thereof, and such amendment shall thereupon take effect and be in force, a part of the constitution.

Form of ballot to be used.

SEC. 3. The ballots used at said election by those voting in favor of said amendment, shall have written or printed, or partly written or partly printed thereupon, the following words: "In favor of borrowing money for the erection and completion of the asylums for the insane, and deaf, dumb and blind, and state prison, yes"—and the ballots used by such electors voting against such amendment shall have written or printed, or partly written or partly printed, thereupon, the following words: "In favor of borrowing money for the erection and completion of the asylums for the insane, and deaf, dumb and blind, and state prison, no."

SEC. 4. This act shall take effect, and be in force, from and after its passage.

Approved February 29, 1872.

CHAPTER XII.

An Act proposing an Amendment to Section three of Article ten of the Constitution. March 1, 1872.

Section 1. Proposed amendment to section 3, article 10, of the constitution.

Section 3. Stockholders in corporations, except organized for manufacturing or mechanical purposes, to be liable for amount of stock held by them.

2. To be submitted for approval or rejection at the general election in 1872.
3. Form of ballot to be voted.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following amendment to the constitution is hereby proposed for publication and approval or rejection, by the people, in accordance with section one of article fourteen of the constitution, that is to say, that section three of article ten of the constitution be amended so as to read as follows:

Amendment to section 3, article 10, of the constitution.

SEC. 3. Each stockholder in any corporation, (excepting those organized for the purpose of carrying on any kind of manufacturing or mechanical business) shall be liable to the amount of the stock held or owned by him.

Corporation stockholders, when liable for amount of stock held by them.

SEC. 2. This proposed amendment shall be submitted to the people for their approval or rejection at the general election for the year one thousand eight hundred and seventy-two, and each of the legal voters of the state, in their respective districts, may, at such election vote by ballot for or against such amendment, and the returns thereof shall be made and certified, and such votes canvassed, and the result thereof declared, in manner provided by law for returning, certifying and canvassing votes at general elections for state officers and declaring the result thereof; and if it shall appear therefrom that a majority of voters present and voting at such election upon such amendment, have voted in favor of the same, then, within three days after that result shall have been ascertained and declared, the Governor shall make proclamation thereof, and such amendment shall

Manner of submission to the people.

thereupon take effect and be in force as a part of the constitution.

Form of ballot
to be used.

SEC. 3. The voters voting in favor of such amendment at said election, shall have written or printed or partly written and partly printed upon their ballots at said election, the following words: "Amendment to section three, article ten of the constitution—yes." And the ballots used at said election by those voting against such amendment, shall have written or printed, or partly written and partly printed thereon the following words: "Amendment to section three of article ten of the constitution—no."

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER XIII.

March 1, 1872. *An Act proposing an Amendment to Article nine of the Constitution.*

SECTION 1. Proposed amendment to article nine of the constitution, by adding a new section.

Section 14. Limiting the legislature in authorizing counties, towns and cities to issue bonds to aid railroads.

2. Manner of submission to the people.

3. Form of ballot to be used.

Be it enacted by the Legislature of the State of Minnesota:

Proposed constitutional
amendment.

SECTION 1. The following amendment of the constitution of the state is hereby proposed for publication and approval or rejection by the people, that is to say, article nine of the constitution shall be amended by adding thereto a new section which shall read as follows, to wit:

SEC. 14. The legialsture shall not authorize any county, township, city or other municipal corporation to issue bonds or to become indebted in any manner to aid in the construction or equipment of any or all railroads to any amount that shall exceed ten per centum of the value of the taxable property within such county, township, city or other municipal corporation. The amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness.

Limitation of
taxing powers
of the legisla-
ture.

SEC. 2. This proposed amendment shall be submitted to the people of the state for their approval or rejection at the next general election occurring after the passage of this act, and the qualified electors of the state in their respective districts, may at such election vote by ballot for or against said amendment and the returns thereof shall be made and certified within the time and such votes canvassed and the result thereof declared in the manner provided by law with reference to the election of members of congress, and if it shall appear thereupon, that a majority of the electors present, and voting for or against the proposed amendment to the constitution as provided in the next section have voted in favor of the same then the governor shall make proclamation thereof, and such amendment shall thereupon take effect and be in force as a part of the constitution.

SEC. 3. The ballot used at such election by electors voting in favor of this amendment shall have written or printed or partly written and partly printed thereupon the following words, "Limitation of the taxing powers of the Legislature—yes."

Form of ballot
to be used.

The ballot used by such electors voting against said amendment shall have written or printed or partly written and partly printed thereupon the following words, "Limitation of the taxing powers of the Legislature—no."

Approved March 1, 1872.

CHAPTER XIV.

March 4, 1872. *An Act proposing an amendment to Article four (4) of the Constitution of the State, by adding thereto a new section, to be the thirty-second Section, in relation to the Internal Improvement Lands and the proceeds thereof.*

SECTION 1. Proposed amendment to the state constitution, by adding to article 4 a new section.

Section 32. The internal improvement lands to be sold, and funds therefrom to be invested in stocks and to be appropriated only on a vote of the people.

2. Manner of submitting the proposed amendment for approval or rejection. Form of ballot to be used.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

New section to be added to article 4 of the constitution.

SECTION 1. The following amendment of the constitution of the state is hereby proposed for publication and approval or rejection by the people: that is to say, article four (4) of the constitution shall be amended by adding thereto a new section, to be the thirty-second section of said article, which new section shall read as follows:

Internal improvement lands to be sold in the same manner as school lands, and invested in stocks.

Sec. 32. All lands donated to the state of Minnesota for the purpose of internal improvement, under the eighth section of the act of congress, approved September fourth eighteen hundred and forty-one, being "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisal and sale of the school lands, under the provisions of title one (1), of chapter thirty-eight (38), of the general statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of the said lands shall be invested in the bonds of the United States, or of the state of Minnesota, issued since 1860, and the moneys so invested shall constitute the internal improvement land fund of the

state. All moneys received by the county treasurer under the provisions of title one (1), chapter thirty-eight aforesaid, derived from the sale of the internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs, and on the fifteenth day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer, all moneys received on account of such fund.

The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written, "Minnesota internal improvement land fund of the state, transferable only on the order of the governor."

The principal sum from all sales of internal improvement lands, shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; and section fifty (50), of title one (1), of chapter thirty-eight (38), of the general statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands," are used in said title, it shall read as applicable to this amendment, "internal improvement lands."

The moneys belonging to the internal improvement land fund shall not be appropriated for any purpose whatever until the enactment for that purpose shall have been approved by a majority of the electors of the state, voting at the annual general election following the passage of the act.

The future disposition of the fund to be voted upon by the people.

The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.

Sec. 2. This proposed amendment shall be submitted to the people of the state for their approval or rejection at the next general election occurring after the passage of this act, and the qualified electors of the state, in their respective districts, may at such election vote by ballot, for or against such amendment and the returns thereof shall be made and certified within the time, and such vote shall be canvassed, and the result thereof declared, in the same manner provided by law with reference to the election of members of congress; and if it shall appear therefrom, that a majority of the electors present and voting for or against the proposed amendment to the constitution, as provided in the next section, have voted for the same, then the governor shall make proclamation thereof, and such amendment shall thereupon take effect and be in force as a part of the constitution.

When amendment to be submitted to the people.

The ballots used at said election, by those voting in favor of such amendment, shall have written or printed, or partly

Form of ballot
to be used.

written and partly printed, thereon, the following words
"Amendment to article four (4) of the constitution, in rela-
tion to keeping the internal improvement lands or the pro-
ceeds thereof in the hands of the people—yes," and by those
voting against such amendment shall have written or print-
ed, or partly written and partly printed thereon, the follow-
ing words: "Amendment to article four (4) of the constitution,
in relation to keeping the internal improvement lands, or the
proceeds thereof in the hands of the people—no."

When act to
take effect.

SEC. 3. This act shall take effect and be in force from
and after its passage.

Approved March 4, 1872.

CHAPTER XV.

An act to establish a State Board of Health.

March 4, 1872.

- SECTION 1. Organization of the State Board of Health and Vital Statistics.
2. Duties of the State Board of Health.
 3. Relating to meetings and the officers of the board.
 4. Duties of the secretary defined.
 5. Salary of the secretary and expenses of the board.
 6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Governor to ap-
point board of
health.

SECTION 1. The governor shall appoint seven physicians,
one from the city of St. Paul, and the other six from differ-
ent sections of the state, who shall constitute the State Board
of Health and Vital Statistics. The physicians so appointed
shall hold their offices for four years, and until their succe-
ssors are appointed, and all vacancies in the board shall be
filled by the Governor.

SEC. 2. The state board of health shall place them-
selves in communication with the local board[s] of health.

the hospitals, asylums, and public institutions throughout the state, and shall take cognizance of the interests of health and life among the citizens generally. They shall make sanitary investigations and inquiries respecting the causes of disease, especially [of] epidemics; the source of mortality and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people. They shall devise some scheme whereby medical and vital statistics of sanitary value may be obtained and act as an advisory board to the state in all hygienic and medical matters, especially such as relate to the location, construction, sewerage, and administrations of prisons, hospitals, asylums and other public institutions. They shall at each annual session of the legislature make a report of their doings, investigations, and discoveries, with such suggestions as to legislative action as they may deem proper. They shall also have charge of all matters pertaining to quarantine, and authority to enact and enforce such measures as may be necessary to the public health.

Duties of the board.

SEC. 3. The board shall hold regular meetings at least once every three months, one of which meetings shall be held at the capitol during the session of the legislature. Their first meeting shall be held at the capitol within ten days after their appointment shall have been made, and three members shall always constitute a quorum for business. They shall elect, from their own number, a president and permanent secretary; the latter shall be their executive officer. No member, except the secretary, shall receive any compensation, but the actual expenses of any and all the members while engaged in the duties of the board shall be allowed and paid to the extent authorized by this act.

Regular meetings and officers.

SEC. 4. The secretary shall perform and superintend the work prescribed in this act and shall perform such other duties as the board may require. He shall furnish to the Legislature when in session such information cognate to this act as from time to time they may deem necessary.

Duties of secretary.

SEC. 5. The secretary of the board shall receive from the treasury, in quarterly payments, an annual salary of two hundred dollars, and his necessary and actual traveling expenses incurred in the performance of official duties, after they have been audited by the board and approved by the governor, and all other necessary expenses arising in his office shall be paid out of the treasury in the same manner

Salary of secretary and expenses of board.

as those of the different departments of state government provided, that the expenses of said board shall not exceed the sum of five hundred dollars per annum.

When act to
take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER XVI.

March 4, 1872. *An act to amend an act entitled an act for the establishment and location of a Hospital for Insane in the State of Minnesota, and to provide rules for the Regulations of the same, approved March 6th, 1868.*

SECTION 1. Amendment to section 17 of chapter 18 of General Laws of 1868 relating to a hospital for the insane.

Section 17. Manner of committing an insane person to the hospital.

2. Regulating the admission of private patients.

3. The word destitute in section 15 defined.

4. Amendment of section 18 of the same chapter.

Section 18. Relating to fees to be allowed for examining and conveying

7. Chronic and harmless cases may be returned to the counties sending them, until some ample accommodations are provided.

8. Inconsistent acts repealed.

5. Fees of judge of probate.

6. Patients to be legally discharged from hospital by a vote of the trustee.

insane person to the hospital:

9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to
section 17 of
chapter 18 of
General Laws
of 1868 relating
to a hospital
for the insane.

SECTION 1. That section 17 of chapter 18 of the general laws of 1868, be so amended as to read as follows:

Section 17. The probate judge, or in his absence the court commissioner of any county, upon information being filed before him that there is an insane person in his county

needing care and treatment, shall thereupon make an order appointing some regular physician or physicians (not less than one or more than three), to examine the said person to ascertain the fact of insanity, a certified copy of which order shall be delivered to said physician or physicians, and shall proceed to the hearing of such information, and shall hear and examine the proofs of said information, and if the said person is found to be insane, he shall, upon the written certificate of the examining physician or physicians, "that the said person in his or their opinion is insane and a proper subject for hospital treatment," said certificate being verified by the oath of the physician or physicians, issue duplicate warrants committing the person so found insane to the care of the superintendent of the hospital, and shall place the warrants in the hands of some friend or other suitable person, whom he shall authorize to convey the said insane person to the hospital; and such warrants may be in the following language, to-wit:

Manner of committing an insane person to the hospital.

State of Minnesota, } ss.
County of

To the superintendent of the Minnesota hospital for insane:—having been upon examination found to be insane, you are therefore required to receive him (or her) into the hospital, and keep him (or her) there until legally discharged.

Form of commitment.

In witness whereof, I have hereunto set my hand, affixed the seal of the probate court, or of the court commissioner, of said county, this day of 18 .

..... judge of probate.

Upon receiving the patient, and the warrant from the probate judge or court commissioner, the superintendent shall endorse upon one substantially as follows:

Minnesota hospital for insane. Received this day of 18 , the patient named in the within warrant.

..... superintendent.

The duplicate warrant shall be filed in the office of the superintendent, and the original shall be returned, with the superintendent's endorsement, to the judge of probate, or court commissioner, [and] shall be filed in his office.

SEC. 2. No person shall be admitted to the hospital as a private patient until the friends or guardian furnish the superintendent with the certificate of a regular physician, "that the said person, in his opinion, is insane and a proper subject for hospital treatment," dated within one week of the commitment, which certificate shall be verified by the oath of the physician before some magistrate.

Regulating the admission of private patients.

The word destitute in section 15 defined.

SEC. 3. The word "destitute," as used in section 10 of said chapter, shall be construed as follows:

1. Adult males who have no property subject to seizure and forced sale on final process.

2. Married women who have not in their own right, and whose husbands do not possess property subject to seizure and forced sale on final process.

3. Widows who possess no property subject to seizure and forced sale on final process.

4. Minors who possess no property either in their own name or in the hands of their guardians, which is subject to seizure and forced sale on final process, and whose parents have no such property owned either jointly or separately.

Amendment to section 18 of the same chapter.

SEC. 4. Section 18 of said chapter shall be amended so as to read as follows:

Sec. 18. The judge of probate, or court commissioner, shall allow the following fees:

Relating to fees to be allowed for examining and conveying insane person to the hospital.

To the physician or physicians for examining the insane person and making a written certificate, three dollars each; and for every mile travelled in so doing, fifteen cents. To the person he authorizes to convey the insane person to the hospital, two dollars per day for the time necessarily employed, and all necessary disbursements for travel, and for support of himself [and] insane person and assistants; such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record therefor, to be paid out of the county treasury by the county treasurer upon the written order of the judge of probate or court commissioner, under seal of the court; and upon the payment thereof, said judgment shall be satisfied of record by the judge of probate or court commissioner.

Fees of judge of probate.

SEC. 5. Section 25 of said chapter shall be amended by adding thereto after last line—"For the service required in this section, the judge of probate or court commissioner shall be allowed a fee of three dollars."

Patients to be legally discharged from hospital by a vote of the trustees.

SEC. 6. Patients shall be legally discharged from the hospital by vote of the trustees; and for this purpose three of the board shall constitute a quorum.

Chronic and harmless cases may be returned to the counties sending them, until more ample accommodations are provided.

SEC. 7. Until there is sufficient accommodations at the hospital for all the insane of the state seeking admission, on recommendation of the superintendent, the board of trustees may return chronic and harmless cases to the counties from which they were committed, notifying the county commissioners to remove them without expense to the hospital.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed. Inconsistent acts repealed.

SEC. 9. This act shall take effect from and after its approval. When act to take effect.

Approved March 4, 1872.

CHAPTER XVII.

An act relating to the Minnesota Hospital for the Insane. March 1, 1872.

SECTION 1. Monthly report to be made by superintendent of insane hospital to next of kin of all patients.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Superintendent of the Minnesota hospital for the insane is hereby required on the first day of each month to make out a report in writing showing the condition of each patient in said hospital, [separately], with reference to - Monthly report to be made out.

Bodily health;

Appetite;

Sleep;

Mental symptoms generally;

Particular symptoms;

Mental state;

Habits and inclinations;

Prospect of restoration;

What it shall contain.

and shall forward by mail to the next of kin of each of such patients respectively, a copy of such report without charge, within the first week of each month. To whom forwarded.

SEC. 2. This act shall be in force from and after its passage. When act to take effect.

Approved March 1, 1872.

CHAPTER XVIII.

February 29,
1872.

*An Act for the relief of Insane Convicts in the State Prison
and to provide for their removal to the Minnesota
Hospital for the Insane.*

- SECTION 1. Supposed insane or imbecile person in the state prison to be examined therefor, and report to be made.
2. Report of examining board to be forwarded to governor.
 3. Upon approval of governor said convicts to be removed to the hospital for insane.
 4. Form of warrant of commitment.
 5. When cured, convict to be remanded to state prison, to serve out his term.
 6. • Relating to computing time for good conduct.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Examination
for supposed
insanity.

SECTION 1. Whenever any person who now is or who may hereafter become a convict in the state prison, shall, in the opinion of the warden and board of inspectors thereof, be regarded as insane or imbecile, it shall be the duty of said board to call in two physicians skilled in their profession, one of whom may be the prison physician, who shall, without employing cruel or inhuman tests, make a careful and thorough examination as to the insanity of such convict and report the result of their examination; which report shall be in duplicate and entered on the prison records and be regarded as conclusive evidence in the case.

Examining
board to report
to governor.

SEC. 2. Whenever, as in manner above named, any convict shall be pronounced insane or imbecile, said board shall notify the governor of the fact by forwarding to him said duplicate report to each of which shall be appended a transcript of the prison records relating to such convict.

Governor may
order commit-
ment to insane
hospital.

SEC. 3. Upon the receipt of said notice, the governor shall endorse thereon his approval, and shall, at the expense of the state, cause such convict to be removed from prison and delivered to the superintendent of the hospital for insane for treatment in that institution and shall at the same time, forward to said superintendent said duplicate notice of the officers of the state prison; which notice shall be to him

a warrant to receive and provide for such convict such treatment as that afforded in said hospital to similar cases of insanity, except that such convict shall be kept separate and apart from other patients so far as practicable.

SEC. 4. Upon receiving such convict and said warrant from the governor, the superintendent shall endorse upon one substantially as follows :

Minnesota Hospital for the Insane.

Received this day of 18 the patient, a state prison convict named in the within warrant. Form of commitment.

A. B.—Superintendent.

which shall be returned with the superintendent's endorsement to the warden of the state prison and filed in his office, the duplicate warrant shall be filed in the office of the superintendent.

SEC. 5. Whenever in the opinion of the superintendent such convict is cured of the mental disability on account of which such commitment was made, the term of sentence not having expired, he shall notify the governor of such fact, who shall remand such convict to the state prison at the expense of the state. To be remanded to state prison if cured.

SEC. 6. In computing time allowed by law for good conduct under prison discipline, the board of inspectors shall grant to such convict the full benefit of said law for the time so absent or insane, but no such absence or insanity shall affect the term of sentence of such conduct [convict.] Good behavior.

SEC. 7. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER XIX.

March 4, 1872. *An Act to provide for the Assessment and Collection of a Tax for State Purposes.*

- SECTION 1. Provides for a levy of state tax for 1872 of five mills on the dollar.
 2. The county auditors to extend the same upon the duplicates.
 3. Moneys received from railroad, telegraph, insurance and other companies to be credited to the fund for the support of state institutions.
 4. All taxes to be paid in gold or silver or United States Notes.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. There shall be levied on all taxable property in the state of Minnesota for the year one thousand eight hundred and seventy-two (1872) a tax of five (5) mills upon the dollar for the use of the state as follows: Three and a quarter ($3\frac{1}{4}$) mills for the general expenses of the state government, one (1) mill for the support of the state prison and charitable and educational institutions, one half ($\frac{1}{2}$) mill for the payment of interest on state debt, and one quarter ($\frac{1}{4}$) of one (1) mill to be set apart for a sinking fund for the redemption of state bonds at maturity.

State tax of five mills.
To be extended on duplicates.

Sec. 2. Each county auditor in the state shall enter and extend on all the taxable property in his county on the duplicate for the year one thousand eight hundred and seventy-two, (1872), the taxes mentioned in the foregoing section, in a column to be denominated "state taxes."

Division of funds by state treasurer.

SEC. 3. All moneys received into the treasury in pursuance of law from railroad, telegraph, insurance and other companies, in lieu of taxation, shall be credited to the fund for the support of the prison and charitable and educational institutions of the state, and all moneys received from delinquent taxes, and all moneys received in excess of the amount required for the purposes for which the same were levied, together with such sums as may be received from the United States in payment of war claims shall be placed to the credit of the general revenue fund.

Sec. 4. All taxes collected under the provisions of the foregoing sections, and all moneys received in lieu of taxation, shall be paid in gold, silver or United States notes.

Kind of money to be received.

Sec. 5. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 4, 1872.

CHAPTER XX.

An Act to provide for the Preparation and Printing of the Legislative Manual in advance of the assembling of the Legislature.

February 27,
1872.

- Section 1. The legislative manual to be prepared and printed in advance of the meeting of the legislature.
2. Number of copies to be printed and to whom distributed.
 3. Placed in third class of public printing.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be the duty of the secretary of state to cause the legislative manual to be prepared and printed annually, hereafter, in advance of the assembling of the legislature. Said manual shall contain the matter usually embraced in such work heretofore, with such other statistical information as may be deemed necessary for the use of the members and officers of the legislature, in the performance of their duties. All of said manual shall be printed by the state printer in advance of the beginning of each session, except the rules, list of members and officers, and committees of the two houses, which shall be printed as soon after the assembling of the legislature as the copy of the same can be supplied by the secretary of the senate and the clerk of the house.

The legislative manual to be prepared and printed in advance of the meeting of the legislature.

Number of
copies to be
printed and to
whom distrib-
uted.

SEC. 2. The secretary of state shall cause to be printed and bound, seven hundred copies of said manual, which shall be distributed by him as follows:

Two copies to each member of the legislature and one copy to each officer thereof; one copy to each state officer and each employee of the same; one copy to each state institution; twenty copies to the state library and historical society each, for exchanges with other states; and one hundred and fifty copies shall be kept by the secretary of state for the use of the succeeding legislature.

Placed in the
third class of
public print-
ing.

SEC. 3. The legislative manual is hereby declared to belong to the third class of public printing, and shall be paid for at the rates allowed for said work.

When act to
take effect.

SEC. 4. This act shall take effect from and after its passage.

Approved February 27, 1872.

CHAPTER XXI.

February 27,
1872.

An Act to divide the State into three Congressional Districts.

SECTION 1. Division of the state into congressional districts.

2. Names of counties constituting the first congressional district.

3. Names of counties constituting the second congressional district.

4. All the remainder of the state to constitute the third congressional district.

5. Repeal of chapter 2 of the general statutes.

6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Three congres-
sional districts

SECTION 1. The state of Minnesota is hereby divided into three congressional districts, each of which is entitled

to elect one representative to the congress of the United States.

SEC. 2. The counties of Winona, Houston, Olmsted, Fillmore, Dodge, Steele, Mower, Freeborn, Waseca, Faribault, Blue Earth, Watonwan, Martin, Jackson, Cottonwood, Murray, Nobles, Pipestone and Rock, shall constitute the first congressional district.

First district.

SEC. 3. The counties of Wabasha, Goodhue, Rice, Dakota, Scott, LeSueur, Nicolet, Brown, Sibley, Carver, McLeod, Renville, Redwood, Lyon, Swift, Chippewa and Kandiyohi shall constitute the second congressional district.

Second district

SEC. 4. All that part of the state not included in the first and second districts, as described in sections one and two of this act, shall constitute the third congressional district.

Third district.

SEC. 5. Chapter two of the general statutes and all acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of previous acts.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER XXII.

An Act to promote the Science of Medicine and Surgery in the State of Minnesota.

February 27,
1872.

- SECTION 1. Authorizing the delivery of bodies of deceased persons to physicians, professors and teachers, under certain circumstances.
2. Duties of physicians &c., after receiving such bodies.
 3. Further duties of physicians.
 4. Penalty for violation of this law.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be lawful in cities and counties whose population equals or exceeds ten thousand inhabitants, for

Authorizing the delivery of bodies of deceased persons to physicians, professors and teachers under certain circumstances.

superintendents of penitentiaries, wardens of poor houses, coroners and city undertakers to deliver to the physicians, professors and teachers in medical colleges and schools, in the state, and for physicians, professors and teachers to receive the remains or body of any deceased person, for purposes of medical and surgical study: provided, that said remains shall not have been regularly interred, and shall not have been desired for interment by any relative or friend of said deceased, within twenty-four hours after death: provided also, that the remains of no person who may be known to have relatives or friends, shall be so delivered or received without the consent of said relatives or friends: and provided, that the remains of no person detained for debt, or as a witness, or on a suspicion of crime, or of any traveler, or of any person who shall have expressed a desire in his or her last sickness, that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner: and provided also, that in the case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be given up to said relative or friend for interment.

Duties of physicians &c. after receiving such bodies.

SEC. 2. And it shall be the bounden duty of said physicians, professors or teachers, decently to bury in some public cemetery, the remains of all bodies after they shall have answered the purposes of study aforesaid, and for any neglect or violation of the provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than \$25.00 or more than \$50.00, to be sued by the health officers of said cities or other places for the benefit of their department.

Further duties of physicians.

SEC. 3. The remains and bodies of said persons as may be so received by the physicians, professors and teachers, as aforesaid, shall be used for the purposes of medical and surgical study alone, and in this state only; and whoever shall use such remains for any other purpose or shall remove such remains beyond the limits of this state, or in any manner traffic in the same, shall be deemed guilty of a misdemeanor, and shall on conviction, be imprisoned for a term not exceeding one year in the county jail, or pay a penalty not less than \$300.00 or more than \$1,000.00.

Penalty for violation of this law.

SEC. 4. Every person who shall deliver up the remains of any deceased person, in violation of or contrary to any or all the provisions contained in the first section of this act, and every person who shall receive said remains, knowing the same to have been delivered contrary to any of the pro-

visions of said section, shall each and every one of them, be deemed guilty of a misdemeanor, and shall on conviction be imprisoned for a term not exceeding two years in a county jail, or shall pay a penalty of not more than \$1,000.00.

Sec. 5. This act shall take effect and be in force from and after its passage. When act to take effect

Approved February 27, 1872.

CHAPTER XXIII.

An Act to amend Section four of Chapter twenty-four of General Laws of one thousand eight hundred and seventy-one, relating to the Carrying of Freight and Passengers on all Railroads in this State.

March 1, 1872.

SECTION 1. Amendment to section 4 of chapter 24 of the general laws of 1871.

Section 4. Railroad companies to carry freight of other companies, and to make no discrimination in rates.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section four of chapter twenty-four of General Laws of one thousand eight hundred and seventy-one is amended so as to read as follows:

Amendment to section 4, chapter 24, general laws 1871.

Section 4. It shall be the duty of all railroad companies and corporations in this state, to receive all freight of the kinds mentioned in this act, at any depot or station, of such company or corporation, whenever brought to such depot for transportation, and to provide suitable places for the storage and reception of such freight at all of its depots and stations, provided, nevertheless, that it shall be the duty of said railroad companies and corporations, to allow cordwood to be banked on the line of their said roads at convenient points at or above grade other than at depots and stations,

Relating to carrying freight.

and all railroad companies and corporations shall furnish equal facilities for transporting and shall transport freights of every description in this state to and from warehouses or elevators other than those owned by any such company or corporation at the same rates as from warehouses or elevators owned by such company or corporation and shall make no discrimination in favor nor against any warehouse nor elevator.

When act takes
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER XXIV.

March 4, 1872. *An Act to regulate the Transfer of Passengers and Baggage at Railroad junctions.*

SECTION 1. Relating to the transfer of passengers and baggage at railroad junctions or intersections.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Transfer of pas-
sengers and
baggage at
crossings.

SECTION 1. When railroads within this state intersect or cross each other and either road has a regular or permanent station and passenger trains are due at the same hour, the train first arriving shall wait for the arrival of the other, if it comes within five minutes; and each of such roads shall afford suitable opportunities for passengers desiring it to change with their baggage from one train to the other; and the superintendent, conductor and engineer of the railroad violating the provisions of this act, who shall knowingly or willingly cause or permit the train to pass intersection or a crossing with another railroad, without affording the opportunity for change of passengers with their baggage as

aforesaid, shall upon conviction thereof be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars for each and every offense.

SEC. 2. This act shall take effect and be in force from and after April 1, 1872. When act to take effect.

Approved March 4, 1872.

CHAPTER XXV.

An Act to compel all Railroad Companies within this State to build proper Cattle Guards and Fences.

February 27,
1872.

1872
72 c 25
95-M - 398
104-NW 228

SECTION 1. Railroad companies to build cattle guards at wagon crossings.

2. Liability for domestic animals killed by negligence or failure to build cattle guards.
3. Manner recovering damages.
4. Railroad companies to pay triple damages caused by neglect to fence road according to charter.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All railroad companies in this state shall within six months from and after the passage of this act, build or cause to be built good and sufficient cattle guards, at all wagon crossings, and good and substantial fences on each side of such road.

Cattle guards
at wagon crossings.

SEC. 2. All railroad companies shall be liable for domestic animals killed or injured by the negligence of such companies and a failure to build and maintain cattle guards and fences as above provided shall be deemed an act of negligence on the part of such companies.

Liability for
negligence.

SEC. 3. If any railroad company shall neglect or refuse to pay the actual damages occasioned by such killing of or injury to domestic animal, for the space of thirty days after

Damages recovered.

such damage occurs and the same shall be recovered by action, then in case such action shall be pending in the district court, double the costs allowed by law together with disbursements, shall be recovered in such action against such company, and in case such action be maintained before a justice of the peace, the sum of ten dollars costs shall be recovered against said company, provided, that the said company within the time above mentioned or before the commencement of an action may tender to the person or persons injured, such an amount as they are willing to pay, and if such amount is refused and the person or persons so injured fail to recover a greater amount than the sum so tendered he cannot recover costs and disbursements.

Treble damages, when.

Sec. 4. Any company of corporation owning and operating a line of railroad within this state, and which company or corporation has failed and neglected to fence said road and to erect crossings and maintain cattle guards as required by the terms of its charter and the amendments thereof shall hereafter be liable in case of litigation for treble the amount of damages suffered by any person in consequence of such neglect, to be recovered in a civil action or actual damages if paid within ten days after notice of such damages.

When act to take effect.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER XXVI.

An Act authorizing the Railroad Commissioner to examine the Books and Accounts of Railroad Corporations doing business in this State and to provide for the expense thereof in certain cases. March 4, 1872.

SECTION 1. Railroad Commissioner authorized to examine books and accounts of railroad companies.

2. To report result of his examination to the legislature.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The railroad commissioner shall at least once in each and every year examine the books and accounts of each and every railroad corporation doing business in this state to ascertain the amount of gross earnings of each road, and shall have authority to examine under oath any officer, agent or employee of the company, concerning the gross earnings and business of the road; provided, that when the general office of any such corporation shall be located without this state, said corporation shall pay the commissioner the extra expenses of such examination rendered necessary by such location, upon vouchers approved by the Governor.

Authority to
examine books
and accounts

SEC. 2. The commissioner shall report the result of such examination to the legislature during the first week of the session.

Report to the
legislature.

SEC. 3. This act shall take effect and be in force from after its passage.

When act to
take effect.

Approved March 4, 1872.

CHAPTER XXVII.

March 1, 1872. *An Act making Railroad Companies liable to Laborers for Services performed in the construction of Railroads.*

SECTION 1. Railroad companies to be liable for indebtedness of contractors to laborers under certain circumstances.

2. Form of notice and proceedings necessary to bind railroad companies.
3. Action must commence within thirty days after service of notice.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Railroad companies to be liable for indebtedness of contractors to laborers under certain circumstances.

SECTION 1. Whenever any contractor for the construction of any part of a railroad shall be indebted to any laborer for services performed in constructing said road, such laborer may give notice of such indebtedness in the manner hereinafter provided, and said company shall thereupon become liable to pay the amount due him for such labor, and an action may be maintained against said company therefor in the same manner as if such labor had been performed under a contract with said company.

Form of notice and proceeding necessary to bind railroad companies.

SEC. 2. Such notice shall be in writing and shall state the number of days' labor for which the claim is made, the time when performed, the name of the contractor for whom such services was rendered and the amount deemed to be due therefor, and shall be signed by the claimant or his attorney and served upon an engineer, agent or superintendent employed by said railroad company and having charge of the section of road on which such labor has been performed, personally or by leaving the same at the office or usual place of business of such engineer, agent or superintendent with some person of suitable age.

Actions must commence within thirty days after service of notice.

SEC. 3. No action shall be maintained against any company under the provisions of this act, unless the same is commenced within thirty (30) days after the service of notice as aforesaid, and every person failing to give such notice on or before the tenth day of any month, shall be deemed as having waived all claim upon said company for services rendered previous to the tenth of the month.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER XXVIII.

*An Act to secure proper commitments to the Minnesota State Reform School.*February 26,
1872.

- SECTION 1.** Children under sixteen years of age, convicted of crime punishable by imprisonment, to be sent to state reform school.
2. Commitments for incorrigibility to be made only on proof of two disinterested witnesses, and consent of at least three county commissioners thereto.
 3. In proceedings before a justice, the evidence to be transmitted to the judge of the district court for approval or disapproval.
 4. Parents who are able required to pay for maintenance of children committed for incorrigibility.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That whenever any infant under the age of sixteen years, shall have been duly convicted, in any of the courts of this state, of any crime punishable by imprisonment, except of the crime of murder, it shall be the duty of the magistrate, before whom such conviction is had to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota state reform school.

When children
to be sent to
reform school.

SEC. 2. That no justice of the peace shall have power to commit any infant, to said reform school upon a charge of incorrigibility, unless such charge is proved by at least two disinterested witnesses, and no commitment for incorrigibility shall be sufficient to justify the admission of the said incorrigible infant into the reform school unless such commitment be accompanied by the written consent of at least three of the county commissioners of the proper county to which said infant belongs, and which is chargeable with the expense of clothing, maintenance and instruction of such infant.

No commitment for incorrigibility without approval of commissioners

SEC. 3. That in case any infant under the age of sixteen years shall have been duly convicted of any other crime, except that of incorrigibility, then no consent of the county commissioners shall be necessary to authorize the commitment. But in all cases of conviction before a justice of the peace, the justice shall reduce all the evidence taken by him

No commitment for other crimes without approval of district court.

to writing, and state the name, age, and evidence of each witness examined, and transmit the same forthwith to the chairman of the board of county commissioners, who shall without delay submit the same to the judge of the district court for said county, whose duty it shall be to examine the same and approve or disapprove of such conviction. If the conviction of the justice is approved the minor shall forthwith be committed to the said board of managers, if disapproved no other proceedings shall be had.

Parents when
able to pay for
maintenance of
incorrigible
children.

SEC. 4. That if it shall appear to the county commissioners, that the parents of any infant committed for incorrigibility, are able to pay the expense of clothing, maintenance and instruction of such infant, then, and in that case, the said county having paid to the state reform school, the charges for the clothing, maintenance and instruction of such infant, may recover the same of the parents of such infant.

SEC. 5. This act shall be in force and take effect from and after its passage.

Approved Feb. 26, 1872.

CHAPTER XXIX.

February 28,
1872.

An act to authorize the County Commissioners of the several organized counties of the State to pay a Bounty for the Destruction of Wolves.

SECTION 1. Boards of county commissioners authorized to give bounties for destruction of wolves.

2. Necessary evidence to obtain the bounty.
3. Duties of the county auditors in the premises.
4. Further duties of the county auditor.

When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. The board of county commissioners of the several organized counties of this state are hereby author-

ized and empowered, if in their opinion it is deemed necessary or expedient, to give a bounty for the destruction of wolves, in their respective counties, not exceeding the sum of five dollars for each wolf so destroyed, payable at the treasury of the county wherein such wolf may be taken and killed.

Wolf bounty authorized.

SEC. 2. When the county commissioners shall grant said bounty, any person claiming such bounty shall produce the head of each wolf with the ears and scalp entire within twenty days after the same has been taken and killed, to the county auditor of the county within which such wolf was taken and killed, and shall make oath or affirmation in writing, before such auditor that the wolf whose head and scalp is produced was taken and killed within such county, within twenty days last past.

Head of wolf to be produced

SEC. 3. The county auditor before whom the said oath or affirmation is made, shall cause the head and scalp of said wolf to be destroyed in his presence and shall file affidavit so taken, in his office, and shall grant an order to the person making the affidavit for the amount due him, on the treasurer of the county, where such wolf was taken and killed, and shall take a receipt of such person for such order, which order shall be received for all county taxes.

Duties of auditor.

SEC. 4. The said county auditor shall make a record of the date, number and amount of all orders drawn by him under the provisions of section three of this act, and the name of the person to whom granted, and shall present such record with the receipts for said orders, and the affidavits above named, to the county commissioners of his county, at their regular annual meeting in September of each year.

Record of bounties.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1872.

CHAPTER XXX.

February 29,
1872.

An Act to provide for a Geological and Natural History Survey of the State and entrust the same to the University of Minnesota :

- SECTION 1. Geological and natural history survey authorized to be made by the University of Minnesota.
2. Object of the geological survey.
 3. Object of the natural history survey.
 4. Manner of conducting the surveys.
 5. Provides for meteorological statistics, and a map of the state.
 6. Natural history and geological specimens to be prepared, and museum to be established at the university.
 7. A geological map of the state authorized to be made.
 8. Annual report of the board of regents to be made to the governor.
 9. Annual appropriation of one thousand dollars for expenses.

Be it enacted by the Legislature of the State of Minnesota :

Geological and
natural history
survey author-
ized.

SECTION 1. It shall be the duty of the board of regents of the university of Minnesota to cause to be begun as soon as may be practicable, and to carry on a thorough geological and natural history survey of the state.

Geological sur-
vey.

SEC. 2. The geological survey shall be carried on with a view to a complete account of the mineral kingdom as represented in the state, including the number, order, dip, and magnitude of the several geological strata, their richness in ores, corals, clays, peats, salines and mineral waters, marls, cements, building stones and other useful materials, the value of said substances for economical purposes and their accessibility; also an accurate chemical analysis of the various rocks, soils, ores, clay, peats, marls and other mineral substances, of which complete and exact records shall be made.

Natural history
survey.

SEC. 3. The natural history survey shall include, first, an examination of the vegetable productions of the state, embracing all trees, shrubs, herbs and grasses native or naturalized in the state; second, a complete and scientific account of the animal kingdom as properly represented in the state, including all mammalia, fishes, reptiles, birds and insects.

SEC. 4. The said surveys and examinations shall be made in the manner and order following: First, the geological survey proper, together with the necessary and implied mineralogical investigations, all of which shall be undertaken so soon as may be practicable, and be carried forward with such expedition as may be consistent with economy and thoroughness; second, the botanical examinations; third, zoological investigations, provided, however, that whenever the said board of regents may find it most economical to prosecute different portions of the surveys in conjunction, or that the public interest demands it, they may, in their discretion, depart from the above prescribed order. And in the employment of assistants in the said surveys the said board of regents shall at all times give the preference to the students and graduates of the University of Minnesota, provided the same be well qualified for the duties.

Order of survey
and examina-
tion.

SEC. 5. The said board of regents shall also cause to be collected and tabulated such meteorological statistics as may be needed to account for the varieties of climate in the different parts of the state; also to cause to be ascertained [by] barometrical observation or other appropriate means the relation, elevations and depressions of the different parts of the state; and also on or before the completion of the said surveys, to cause to be compiled from such actual surveys and measurements as may be necessary, an accurate map of the state, which map when approved by the Governor shall be the official map of the state.

Meteorological
statistics.

SEC. 6. It shall be the duty of the said board of regents to cause proper specimens, skillfully prepared, secured and labelled of all rocks, soils, ores, coals, fossils, cements, building stones, plants, woods, skins and skeletons of animals, birds, insects and fishes, and other mineral, vegetable and animal substances and organisms discovered or examined in the course of said surveys, to be preserved for public inspection free of cost, in the University of Minnesota, in rooms convenient of access and properly warmed, lighted, ventilated and furnished, and in charge of a proper scientific curator; and they shall also, whenever the same may be practicable, cause duplicates in reasonable numbers and quantities of the above named specimens, to be collected and preserved for the purpose of exchanges with other state universities and scientific institutions, of which latter the Smithsonian Institute at Washington shall have the preference.

Specimens to
be prepared.

SEC. 7. The said board of regents shall cause a geological map of the state to be made, as soon as may be prac-

Geological map

licable, upon which, by colors and other appropriate means and devices, the various geological formations shall be represented.

Annual report
to the governor

SEC. 8. It shall be the duty of the said board of regents, through their president to make, on or before the second Tuesday in December in each and every year, a report showing the progress of the said surveys, accompanied by such maps, drawing, and specifications as may be necessary and proper to exemplify the same to the governor, who shall lay the same before the legislature; and the said board of regents upon the completion of any separate portion of the said surveys, to cause to be prepared a memoir or final report, which shall embody in a convenient manner all useful and important information accumulated in the course of the investigation of the particular department or portion, which report or memoir shall likewise be communicated through the governor to the legislature.

Annual appro-
priation \$1,000.

SEC. 9. To carry out the provisions of this act the sum of one thousand dollars per annum is hereby appropriated, to be drawn and expended by the [said] board of regents of the University of Minnesota.

SEC. 10. This act shall take effect and be in force from and after its approval.

Approved March 1, 1872.

CHAPTER XXXI.

*An Act to appoint Commissioners to Revise the Tax Laws
of this State.*February 29,
1872.

SECTION 1. Commission selected to revise the tax laws and report to the next legislature.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the attorney general, auditor of state, and state treasurer, are hereby constituted and appointed commissioners to revise the tax laws of the state, and to make report of such revision to the next legislature: and said commissioners are hereby authorized to associate with them in such revision one (1) person experienced as county auditor and one (1) person experienced as county treasurer, from any county in the state.

Tax laws of the
state to be
revised.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER XXXII.

February 26,
1872.

An Act relating to Burying Grounds.

SECTION 1. Relating to the title of burial lots.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Relating to the
title of burial
lots.

SECTION 1. The title to every lot or piece of land which shall have been used by the inhabitants of any town or village in this state as a cemetery or public burying ground for the space of ten years, shall be deemed vested in such town or village and shall be subject in the same manner as other corporate property of towns or villages to the government and direction of the same: provided, nothing herein contained be construed to apply to any lot or piece of ground used as a burying ground, the title to which is vested by deed or otherwise in any cemetery association: provided also, that the provisions of this act shall not apply to or in any way effect the title to any tract or parcel of land now or hereafter [heretofore] occupied for a burying ground, situated or lying within the corporate limits of the city of Stillwater.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER XXXIII.

An Act to enable the Board of Trustees of Soldiers' Orphans to rent a suitable building for a Soldiers' Orphans' Home. February 20,
1872.

SECTION 1. Trustees of soldiers' orphans authorized to rent a building for an orphans' home.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the board of trustees of soldiers' orphans of this state are hereby authorized to rent for a term not exceeding six years, a suitable building for a soldiers' orphans' home, capable of accommodating seventy-five orphans, at an annual rental not exceeding eighteen hundred dollars. Orphans' home building to be rented.

Provided, that nothing herein contained shall be construed as increasing the appropriation for the present year.

Sec. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved Feb. 29, 1872.

CHAPTER XXXIV.

March 1, 1872. *An Act relative to the appointment of Township Assessors.*

SECTION 1. Relating to the appointment of township assessors.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

County auditor
to appoint
assessors,
when.

SECTION 1. When any township assessor is elected and fails or refuses to qualify to discharge the duties of his office, or if the electors of said township fail, from any reason whatever, to elect an assessor, and the town board of said township fails or refuses to appoint an assessor for said township on or before the first day of June of that year for which said assessor is to serve, then it shall be the duty of the county auditor to appoint an assessor for said township, who shall be a resident of said county.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER XXXV.

An Act to authorize the several District Courts of this State to change the name of Person or Persons.

February 29,
1872

- SECTION 1. District courts to have exclusive right to change names.
2. Manner of application to obtain change of name.
 3. Relating to the action of the court and the duties of the clerk of court.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The several district courts of this state shall hereafter have the exclusive right to change the name of any person when applied to for that purpose as hereinafter provided.

District courts to have exclusive right to change names.

SEC. 2. Any person who shall have resided in any judicial district in this state for a period of not less than one year, may make application to the district court of such district to have his or her name changed. Such person shall appear personally before such court, (and in case of an infant, by such infant's guardian, adoptive parent, or next of kin,) with two witnesses, and prove to the satisfaction of the court, that such person is the identical person he or she represent him or herself to be; and in case such applicant shall apply to be made the heir at law of any person, then such person whose heir at law such applicant applies to be made, shall appear as one of the witnesses and acknowledge that such application is made in good faith.

Manner of application to obtain change of name.

SEC. 3. If it shall appear to such court that such change of name is necessary and proper, the said court shall proceed to grant said application and the clerk of said court shall enter a memorandum thereof on the record of said court, and also issue a certificate to the applicant certifying to the fact, for which entry and certificate the clerk shall receive a fee of two dollars, to be paid by the person making the application. Such certificate shall be *prima facie* evidence of such change of name.

Relating to the action of the court and the duties of the clerk of court

Repeal of in-
consistent acts

When act to
take effect.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXXVI.

February 29,
1872.

An Act to encourage the Pursuit and Capture of Horse and Cattle Thieves.

- SECTION 1. Provides for compensation to parties arresting horse thieves.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

County to pay
for arrest of
horse thieves.

SECTION 1. Whenever any person or persons of this state shall pursue and capture any thief or thieves and return such thief or thieves to the proper officers of the county in which the larceny was committed, and said accused person or persons, upon examination before the proper magistrate, shall be held for trial, the person or persons who captured the accused shall receive as compensation for such arrest, at the discretion of the county commissioners of the county where the larceny was committed, two dollars per day for each day actually employed in the pursuit, capture and return of such accused person or persons, and ten cents per mile for each mile actually traveled in making such arrest, the same to be paid out of any moneys in the county treasury not otherwise appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER XXXVII.

An Act to provide payment for services of Commissioners appointed by the Governor to take and Report Testimony in certain cases. March 4, 1872.

PART 1. Relating to the appointment of commissioners to take testimony, on charge preferred against officers.

2. Commissioners to be sworn before entering upon duties.
3. Witnesses before commissioners to be sworn.
4. Fees of commissioners, and by whom paid.
5. Relating to commissioners heretofore appointed, and providing for payment of fees.
6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever charges are duly made against any officer under chapter nine (9) of the general statutes, and acts amendatory thereto, relating to resignations, vacancies and removals, the governor shall appoint special commissioners to take and report testimony for and against such officer, to be used in determining his guilt or innocence.

Charges
against officers,
commissioners
to be appointed

SEC. 2. Each commissioner, before he enters upon his duties in taking such testimony, shall be sworn to truly and faithfully take and record the testimony of each witness and report the same fully and impartially to the governor within the time required by the commission of his appointment.

Commissioners
to be sworn.

SEC. 3. The commissioners shall administer to each witness the oath required to be administered to witnesses testifying in courts of record of this state, and each witness shall subscribe his name to his testimony when reduced to writing by the commissioners.

Witnesses to
be sworn.

SEC. 4. The fees of commissioners for such services shall be the same as now allowed by law to referees in actions brought in the district courts of this state, and shall be paid out of moneys not otherwise appropriated on the order of the governor, and on presentation of such order to the auditor of the state, he shall draw his warrants on the state

Fees of com-
missioners.

treasurer in favor of the person entitled to the same: provided, that when testimony is taken for and against a county officer, like fees of the commissioners shall be paid by the county wherein such officer was elected, and be allowed in the same manner as other claims against the county.

Commissioners
heretofore ap-
pointed to have
same fees.

SEC. 5. Commissioners heretofore appointed by the governor to take and report testimony for and against an officer charged with malfeasance or nonfeasance in office, under chapter nine of the general statutes, shall be paid like fees and in same manner as is required by section four of this act: and in all cases where testimony has been or shall be taken by the commissioners appointed by the governor in such cases, the county commissioners of the proper county may, if they they think it advisable, allow and pay reasonable compensation to counsel, for attending to the prosecution of such cases, not exceeding ten dollars per day for the time actually engaged before the commissioners, and may allow witnesses fees for the prosecution, the same as is allowed to witnesses in cases in the district court of the state.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER XXXVIII

*An act to prevent the growth and spread of Canada Thistles.*February 20,
1872.

SECTION 1. The Canada thistle declared a common nuisance.

2. Land owners to be fined for allowing them to grow.

3. Penalty for refusal or neglect to extirpate them. Town supervisors to have them destroyed.

4. Justices of the peace to have jurisdiction of all civil actions arising under this act.

5. Fines collected to be paid into the town treasuries.

6. Appeals to the district court allowed.

7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the weed known as Canada thistle is hereby declared to be a common nuisance for all the purposes of this act.

Canada thistle
a common
nuisance.

SEC. 2. Any person or persons owning any lands within this state or occupying or having control of any lands, whether within the plat of towns, villages or cities, or otherwise, within this state knowingly permitting or suffering any Canada thistle or thistles to go to seed upon any land or lands thus owned, occupied or under the control of such person or persons, shall be deemed guilty of maintaining and supporting a common nuisance, and upon conviction thereof in any court having competent jurisdiction of the offence, shall be punished by fines not exceeding fifty dollars nor less than five dollars, said fine to go into the town treasury where such thistle or thistles are permitted to grow.

Penalty for
allowing them
to grow.

SEC. 3. In case any person or persons, railroad company or other incorporation owning or occupying any lands within this state or having any lands within this state under his or her, or their control as the case may be, shall refuse or neglect to destroy any Canada thistle or thistles, growing or standing upon any land or lands so owned, occupied or controlled, it shall be the duty of the town supervisors or other person or persons having control of the

Penalty for ne-
glect to destroy
them. Duties
of town super-
visors.

public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles, shall keep a correct account of all moneys paid out for that purpose and charge the same to the person or persons or incorporation owning, occupying or controlling the land or lands upon which such thistle or thistles was destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit, provided, that if any supervisor or other person having under the authority of this act destroyed any Canada thistles and is unable to find the owner of the land or is unable to collect such money, the same shall be paid by the town authorities of the town, village or city where such thistles were destroyed, and, provided further, that in case any railroad company becomes chargeable, under the provisions of this section, the supervisors of the township where the same has become chargeable, may certify to the same to the county attorney of their county whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and costs of suits aforesaid.

Prosecutions
to be before
justice of the
peace.

SEC. 4. Justices of the peace shall have jurisdiction within their respective counties of all violations of the provisions of this act, and it shall be competent for any person to complain of and prosecute any person or persons, railroad company or other corporation violating the same, and it is hereby made the duty of every person having knowledge of any Canada thistle or thistles growing or standing upon the land of another to immediately destroy the same or give the person owning or occupying such lands immediate notice thereof.

Fines to go
into town
treasury.

SEC. 5. All fines collected by any justice of the peace or any other person under the provision of this act shall be paid into the treasury of the proper town, village or city within ten days after the same is collected.

Appeals to dis-
trict court.

SEC. 6. Any person fined under the provisions of this act feeling himself aggrieved may appeal to the district court of the proper county in the same manner and within the same time that appeals are allowed by law in justice court in other criminal actions.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXXIX.

An Act to legalize Conveyances of Real Property and the record thereof, which have been heretofore executed with but One subscribing Witness and recorded; and to dispense with the official certificate to certain instruments.

March 1, 1872.

SECTION 1. Conveyances with one subscribing witness heretofore recorded legalized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all conveyances of real property in this state whether conditional or otherwise that have been heretofore executed with but one subscribing witness and recorded are hereby declared to be legal and valid, and the record thereof effectual to all intents and purposes, as well as if such conveyances had been executed with two subscribing witnesses.

Conveyances
with one wit-
ness legalized.

Approved March 1st, 1872.

CHAPTER XL.

March 4, 1872.

An Act authorizing the Judges of any District Court to appoint Commissioners to lay out Roads through two or more Counties within his Judicial District.

SECTION 1. Public roads may be authorized by district judges, "through two or more counties.

2. Public notice of application for road to be posted for thirty days.
3. Pay of Commissioners and others required to lay out the road.
4. Directions to the Surveyor in laying out road.
5. Report of commissioners to be made to the district court.
6. Inconsistent acts repealed.
7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever a petition praying that a road be laid through two or more counties in any judicial district in this state, signed by twenty legal voters, resident in said counties, shall be presented to the judge of the district court in said district, the said judge is hereby authorized to appoint three commissioners, whose duty it shall be to meet at such times and places as may be necessary, and to immediately proceed to lay out a road as directed by the judge, in accordance with the prayer of the petition, provided, that no road shall be ordered by any judge to extend more than six miles outside the judicial district in which the application is made, and such road shall be extended beyond the district only for the purpose of commencing or ending at some village or public road.

Public roads may be authorized by the district judge, when.

Public notice of petition.

SEC. 2. Notices of the presentation of any such petition, as that mentioned in the preceding section, to any district judge, shall be posted at least thirty days prior to such presentation in at least three of the most public places in said judicial district, and there shall be one of said notices posted at each county seat of the counties through which the road prayed for is to pass.

SEC. 3. The commissioners shall appoint a surveyor, one axeman, and two chainmen, to make the survey of such a road. The compensation of the commissioners and surveyor shall be four dollars per day for each individual, and the axeman and chainman shall each receive two dollars per day; such compensation to be paid only for the time the parties are actually engaged in making such survey.

Pay of commissioners, &c.

The expenses of such survey and the damages and expenses which are incurred by the laying out such road shall be paid by the counties through which such road is laid, each county paying thereof its proportion;

Stakes shall be placed at the starting point which shall be on some public road, and at each of the angles of the road, witness trees shall be marked, wherever stakes are placed, provided, that where there are no trees, monuments shall be erected.

SEC. 4. The surveyor shall follow the lines of the United States surveys, where practicable; and shall make two or more plats of the location of such road, in which the county lines and all stakes, trees, and monuments, together with the distances, shall be written, and said surveyor shall forward one of such plats to the register of deeds of each county through which said road is located, and such plats shall be placed on file by such registers of deeds, and be part of the records of their office. The surveyor shall receive two dollars for each plat so made and forwarded by him as aforesaid.

Duties of the surveyor.

SEC. 5. The commissioners appointed as herein provided shall make a report of all proceedings had by them under this act to the term of the district court held in the county next after the completion of their duties, [and] any person feeling aggrieved may appear and be heard thereat.

Report to be made to the district court.

The confirmation of the report of the commissioners by the judge of the district court [shall] in all cases be final.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts

SEC. 7. This act shall be in force from and after its passage.

Approved March 4, 1872.

CHAPTER XLI.

February 29,
1872.

An Act to amend Section fifty-six, (56) Chapter thirteen. (13) of the General Statutes relating to Roads, Cartways and Bridges.

SECTION 1. Amendment to section 56, chapter 13, General Statutes.

Section 56. Relating to the laying out of public roads and cartways by supervisors or county commissioners.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Public roads to be four rods wide, and may be six rods, when petitioned therefor.

SECTION 1, Section fifty-six (56,) chapter thirteen (13,) of the general statutes is amended so as to read as follows:

Section 56. All public roads to be laid out by the supervisors or county commissioners, shall not be less than four (4) rods wide, and may be six rods in width when all residents of lands adjoining said road shall petition for the same, provided, that the supervisors of the several towns shall have power to lay out cartways two rods wide when petitioned for by the residents desiring the same. The cost of surveying and locating said cartways, shall be paid by the town as is provided by law in the laying out of public roads and the damages to the land through or upon which [the said cartway] is laid out shall be paid by the person for whose benefit the said cartway is laid, and the damages in this section mentioned shall be ascertained and an appeal had in the same manner as is the case of public roads, and the town clerk shall record such cartways in like manner.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER XLII.

An Act to amend Section twelve (12) of Chapter thirteen (13) of the General Statutes, relating to Roads, Cart-ways and Bridges.

February 29,
1872.

SECTION 1. Amendment to section 12 of chapter 13, of the General Statutes.

Section 12. Relating to work upon the township roads, and the allowance for labor.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section twelve (12) of chapter thirteen (13) of the general statutes is hereby amended so as to read as follows:

• Section 12. Overseers of highways shall give at least three days notice to all persons assessed to work on highways and living within the limits of their respective districts, of the time and places when and where they are to appear for that purpose, and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides, but may elect to pay any land road tax in labor in the district in which said land is situated; and shall be allowed two dollars per day for himself, and a like amount for the use of a team of horses or oxen, and fifty cents per day for a wagon or plow. Such labor shall be [at the] disposition of the overseers of their respective districts.

Three days' notice to work on roads.

Pay for labor.

SEC. 2. This act shall take effect from and after its passage.

Approved February 29, 1872.

CHAPTER XLIII.

February 24,
1872.

An Act to amend Section six of Chapter sixty-three of the General Statutes relating to the general terms of the Supreme Court.

SECTION 1. Amendment to section 6, chapter 63 of general statutes changing the time of holding terms of supreme court.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Terms of
Supreme Court

SECTION 1. That section six, of chapter sixty-three of the general statutes be amended so as to read as follows :

Sec. 6. There shall be two general terms of the supreme court held at the seat of government of the state, one on the first Tuesday in April and one on the first Tuesday in October.

SEC. 2. This act shall take effect from and after the first day of May, 1872.

Approved February 24, 1872.

CHAPTER XLIV.

An Act to change the time of holding the term of the District Court in Pine county, in the first Judicial District.

February 26,
1872.

SECTION 1. General term of court in Pine county.

2. All proceedings heretofore had returnable to the regular term as herein fixed.
3. Section 1 of chapter 84, of general laws of 1871, repealed.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. There shall hereafter be a general term of the district court held annually in the county of Pine, in the first judicial district on the first Tuesday of October in each year.

Term of court
1st Tuesday
in October.

SEC. 2. All writs, recognizances and other proceedings, made returnable to said district court shall be considered and deemed to be returnable to the term of said court as fixed by this act, and all continuances and notices made or taken to any term of said court shall be deemed to be made or taken to the term of said court as the same is fixed by this act; and all motions and other proceedings noticed to be heard at any regular term of said court, shall be allowed and considered to be noticed for hearing at the regular term of such court, as fixed by this act.

All proceed-
ings made
returnable to
this term.

SEC. 3. Section one of chapter eighty-four of the general laws of 1871, and all acts and parts of acts, inconsistent with this act are hereby repealed.

Repeal of in-
consistent act

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER XLV.

March 4, 1872. *An Act fixing the time of holding the General Terms of Court in the counties of Winona, Houston and Olmsted, in the third Judicial District.*

- SECTION 1. General terms of district court in Winona, Olmsted and Houston counties.
2. All proceedings heretofore had returnable to the terms herein established.
 3. Repeal of inconsistent acts.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Terms of court
in Winona
county, Hous-
ton county,
Olmsted
county.

SECTION 1. The general terms of the district court in and for the counties of Winona, Houston and Olmsted in the third judicial district shall be held at the times following:

In the county of Winona on the first Monday in April and the first Monday in September in each year. In the county of Houston on the first Tuesday after the first Monday in May, and the first Tuesday after the fourth Monday in October in each year. In the county of Olmsted on the first Monday in March and the first Monday in October in each year.

All proceed-
ings returnable
to this term.

SEC. 2. All process, writs, bonds, continuances, appeals, notices, proceedings and recognizances, issued, made or returnable to the terms of court in and for each of said counties as fixed by law prior to the passage of this act, shall be deemed and construed as made, taken and returnable to the terms of court in and for said counties respectively as fixed by this act.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER XLVI.

*An Act to fix the times of holding Court in the Fifth Judicial District.*February 27,
1872.~~SECTION 1.~~ Terms of court in the Fifth Judicial District.

2. All proceedings heretofore had returnable to the terms as herein established.
3. Repeal of section 29 of chapter 64 of the general statutes.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The general terms of the district court of the fifth judicial district of this state, shall be held annually at the times and places as follows, to wit:

In the county of Dodge on the first Monday in March and the first Tuesday in September. In the county of Mower on the third Tuesday in March and the third Tuesday in September. In the county of Rice on the first Tuesday in May and the first Tuesday in October. In the county of Steele on the first Tuesday in June and the first Tuesday in December. In the county of Freeborn on the third Tuesday in June and the third Tuesday in November. In the county of Waseca on the second Tuesday in February and the third Tuesday in October.

Terms of court
in Dodge coun-
ty, Mower
county, Rice
county, Steele
county, Free-
born county,
Waseca county

SEC. 2. All writs, recognizances, and all other papers and proceedings made returnable to the district court of the said several counties, shall be considered and deemed to be returnable to the terms of said court as the same are fixed by this act, and all continuances, appeals, motions, notices, or other proceedings taken or made to or for any term of said court, shall be considered and construed to be made or taken to the terms of said court as fixed by this act.

SEC. 3. Section twenty-nine of chapter sixty-four of the general statutes, and all acts and parts of acts amendatory thereof and inconsistent with this act are hereby repealed.

Repeal of in-
consistent acts

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER XLVII.

February 29,
1872.

An Act to amend an Act to prescribe the times for General Terms of the District Court in the several counties constituting the Seventh Judicial District. Approved March 6, 1871.

SECTION 1. Amendment to section 1 of chapter 74 of the general laws of 1872.

Section 1. General terms of the district court in the Seventh Judicial District.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section one of chapter seventy-four of the general laws of 1871, be and the same is hereby amended so as to read as follows :

Term of court
in Sherburne,
Stearns, Doug-
las, Pope, Mor-
rison, Crow
Wing, Otter
Tail, Becker,
Benton, St.
Louis, Mille
Lacs counties.

That the general terms of the district court in the seventh judicial district shall be held in the several counties in said district at the times hereinafter prescribed, to wit :

In the county of Sherburne on the second Tuesday of February in each year. In the county of Stearns on the second Tuesday of June and the first Tuesday of December in each year. In the county of Douglas on the first Tuesday of October in each year. In the county of Pope on the second Tuesday of October in each year. In the county of Morrison on the third Tuesday of October in each year. In the county of Crow Wing on the fourth Tuesday of October in each year. In the county of Otter Tail on the third Tuesday of November in each year. In the county of Becker on the second Tuesday of November in each year. In the county of Benton on the last Tuesday of November in each year. In the county of St. Louis on the second Tuesday of August and the third Tuesday of February in each year. In the county of Mille Lacs on the last Tuesday in September in each year.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

1874-238

XLVIII.

An Act to amend Chapter eighty-six of General Laws of Minnesota for 1871, relating to terms of the District Court in the county of Carlton.

February 29,
1872.

SECTION 1. Amendment to section 1 of chapter 86 of Laws of 1871, relating to terms of district court in Carlton county.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter eighty-six of the general laws of Minnesota for 1871 be amended so as to read as follows:

Term of court
in Carlton
county.

Section 1. That the general term of the district court shall be held in the county of Carlton, in the seventh judicial district of this state on the first Tuesday of August in each year.

Approved Feb. 29, 1872.

CHAPTER XLIX.

February 26,
1872.

An Act to amend Section one (1) of Chapter seventy-five of the General Laws of Eighteen Hundred and Seventy-one, relating to terms of the District court in the Eighth District.

SECTION 1. Amendment to section 1 of chapter 75 of laws of 1871, relating to terms of court in the eighth judicial district.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter seventy-five of the general laws of A. D. 1871, be amended so as to read as follows :

Terms of court
in the eighth
judicial district

Section 1. That the general terms of district court in the eight judicial district shall be held in the several counties in the said district at the times hereinafter prescribed to wit :

In the county of LeSueur on the first Monday of March and the first Monday in September in each year. In the county of Sibley on the third Monday in March and the third Monday in September in each year. In the county of McLeod on the third Monday of June and the third Monday of December in each year. In the county of Scott on the first Monday of June and the first Monday of December in each year. In the county of Carver on the first Monday in April and the first Monday in October in each year.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 26, 1872.

CHAPTER L.

An Act to amend Chapter eighty-one of the General Statutes of 1870, creating the Tenth Judicial District. March 2, 1872.

- SECTION 1.** Amendment to section 21 of chapter 81 of laws of 1870, defining the third judicial district.
2. Amendment of section 22 of the same act, defining the fifth judicial district.
3. Addition of a new section to said chapter, creating the tenth judicial district.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section twenty of chapter eighty-one of the general statutes of 1870, be amended so as to read as follows:

Sec. 20. The counties of Winona, Olmsted and Wabashaw constitute the third judicial district. Third judicial district.

Sec. 2. Section twenty-two of said chapter eighty-one be amended so as to read as follows:

Sec. 22. The counties of Rice, Steele, Waseca and Dodge, constitute the fifth judicial district. Fifth judicial district.

Sec. 3. Said chapter eighty-one is hereby amended by adding the following section:

Sec. 25. The counties of Houston, Fillmore, Mower and Freeborn constitute the tenth judicial district, and shall elect a district judge therefor at the next general election: provided however, this act shall in no wise effect, alter or change the duties of the district judges of the third or fifth judicial districts as now constituted, or the holding of courts or proceedings therein in the said counties of Houston, Fillmore, Mower and Freeborn until there shall be duly elected and qualified a district judge for said tenth judicial district. Tenth judicial district.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1872.

CHAPTER LI.

February 29,
1872.

An Act to provide for a General Term of the District Court for the County of Chippewa, and for attaching thereunto the County of Swift for judicial purposes.

- SECTION 1. Provides for a general term of district court in Chippewa county.
 2. Swift county detached from Pope county, and attached to ~~Chippewa~~ county for judicial purposes.
 3. Repeal of inconsistent acts.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Term of court
in Chippewa
county.

SECTION 1. There shall be a general term of the district court in and for the county of Chippewa, at the county seat in said county, on the second Tuesday in December.

Swift county
attached to
Chippewa
county.

SEC. 2. That the county of Swift be detached from the county of Pope for judicial purposes, and be attached to the county of Chippewa for the same purposes.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LII.

*An Act to amend Chapter Thirty-Four of the General Statutes.*February 29,
1872.

SECTION 1. Amendment to section 5 of chapter 34 of general statutes, defining the word society in corporations for religious purposes.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That chapter thirty-four, section fifty-four, (54) of the general statutes be amended so as to read as follows: Cemetery associations included.
After fire department association in fourth line, add cemetery association.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LIII.

March 1, 1879. *An Act to amend Title One of Chapter Thirty-Four of the General Statutes relating to Corporations.*

- SECTION 1. Amendment to section 14 of chapter 34 of general statutes, relating to the overflow of land for water power.
2. Amendment to section 15 of said chapter relating to proceedings to be taken for condemning land therefor.
3. Amendment to section 16 of said chapter relating to adjournment of proceedings.
4. Amendment to section 17 of said chapter, relating to the action of the court.
5. Section 18 of said chapter repealed.
6. Amendment to section 19 of said chapter, relating to the duties of commissioners.
7. Amendment to section 20, relating to the filing of report of commissioners.
8. Repeal of section 24 of said chapter.
9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section fourteen (14) of said chapter thirty-four (34) of the general statutes, be and the same is hereby amended so as to read as follows:

Application to
district court
for commis-
sioners to be
appointed.

Sec. 14. Such corporation may present to the district court in and for the county in which any lands or real estate proposed to be taken shall be situate, a petition signed by the president and secretary of such corporation, setting forth a description of the enterprise to be prosecuted by them, and describing with reasonable certainty and accuracy by map, plat or otherwise, the lands, property and estate which it will be necessary to appropriate, take, use or overflow for the purposes of such enterprise in said county, setting forth the name of each and every owner, incumbrancer or other person interested in the same or any part thereof, so far as the same can be ascertained by the public records, and by view of the premises or other inquiry touching the occupation thereof, and praying the appointment of three (3) competent disinterested persons as commissioners to ascertain and determine the compensation to be made to such owner or owners respectively, and to all tenants, incumbrancers and others interested, for the taking or injuriously affecting such land or real estate.

SEC. 2. Section 15 of said chapter is hereby amended so as to read as follows :

Sec. 15. A notice stating briefly the objects of the petition, and containing a description of the lands proposed to be taken, and stating the time and place, when and where the same will be presented to the court shall be served on each and every person named therein as owner, incumbrancer, tenant or otherwise interested therein, at least ten (10) days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons so named therein, if a resident of this state, or in case of the absence of such person, by leaving a copy of such notice at his or her usual place of abode, with some person of suitable age and discretion then resident therein. In case of domestic corporations such service may be made upon the president, secretary, or any director or trustee of such corporation; in case of minors, on their guardian, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or distracted persons, on their guardian or committee; or in case no guardian or committee shall have been appointed, then on the person in whose care or charge they are found; in case of feme covert, on the husband as well as the feme covert. In all cases where the owner or person claiming an interest in such real property is a non-resident of this state, or where the residence of such owner or person is unknown, and an affidavit by the agent or attorney of the corporation shall be filed, showing that such owner or person is a non-resident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service of such notice may be made by the publication thereof in any newspaper published in the county where such lands are situate, once a week for three (3) successive weeks; and in case no newspaper shall be published in said county, then such publication may be had in a newspaper published at the seat of government of this state; and such publication shall be deemed service upon each of such non resident person or persons whose residence is unknown. Due proof of the service of such notice, by the affidavit of the person serving the same, or by the printer's affidavit of publication shall be filed with the clerk of such district court before the presentation of such petition. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings.

Service of notice upon parties interested.

In cases where the enterprise shall be located through or upon school or university lands, or any other lands belonging to this state, such notice shall be served upon the secretary of state or his assistant, and the commissioners shall award damages to the state, in like manner as to private persons or corporations.

Adjournment of proceedings. SEC. 3. Section sixteen (16) of said chapter is hereby amended so as to read as follows :

SEC. 16. The court may, upon the application of the petitioner, or of any owner or party interested, for reasonable cause adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

Action of court SEC. 4. Section seventeen (17) of said chapter is hereby amended so as to read as follows :

SEC. 17. At the time and place appointed for hearing said petition if the court shall have satisfactory proof that all parties interested in the lands described in said petition have been duly served with the said notice as above prescribed, and shall be further satisfied by competent proof, that the public interests require the prosecution of such enterprise, and that the lands or real estate proposed to be taken are required and necessary for the purposes of such enterprise, the court may make an order to be recorded in the minutes thereof, appointing three (3) competent disinterested persons, resident in said county, commissioners to ascertain and determine the amount to be paid by such corporation to each of such owners or persons interested as compensation for his or her damages by reason of taking or injuriously affecting any such land or real estate ; and specifying the time and place of the first meeting of said commissioners, and fixing their compensation. Before entering upon their duties such commissioners shall severally take and subscribe an oath, before some person qualified to administer oaths, faithfully and impartially to discharge the duties of their appointment.

Section 18 repealed. SEC. 5. Section eighteen (18) of said chapter is hereby repealed.

SEC. 6. Section nineteen (19) of said chapter is hereby amended so as to read as follows :

Duties of commissioners. SEC. 19. The commissioners shall meet at the time and place mentioned in the order appointing them and proceed to examine the entire line of said canal, telegraph line, railroad or other improvement, or so much thereof as is situate in said county and described in said petition, and all the lands, property and real estate, which will be taken damaged, overflowed, appropriated or used, by or for the pur-

poses of said enterprise and which are described in said petition, and shall hear the allegations and testimony of all persons interested, and proceed to make in each case a separate assessment of damages which will result to any parties, corporation or company, by reason of the construction of said canal, telegraph line, railroad or improvement, and shall determine, appraise and award to the owners of such land, property, easement or any other right proposed to be taken or injuriously affected, the amount of damages arising to them respectively from the taking or injuriously affecting their said land, property or estate for the purposes of such enterprise.

SEC. 7. Section twenty (20) of said chapter is hereby amended by striking out the words "and shall give the same notice of the filing of their report as of their meeting" at the end of said section, and insert in lieu thereof the following words, viz: "and shall notify the parties interested in such report that the same is made and filed," such notice shall be served upon the respective parties in the same manner as the notice provided for by section fifteen (15) of said chapter as amended by this act. Provided that if any such party shall have appeared by attorney, service may be made upon such attorney.

Notice of meetings.

SEC. 8. Section twenty-four (24) of said chapter is hereby repealed.

Repeal of section 24.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LIV.

February 27,
1872.

An Act to amend Chapter Thirty-Four of the General Statutes of Minnesota relating to corporations.

SECTION 1. Amendment to section 54 of chapter 34 of general statutes relating to incorporations.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Corporations
for religious
purposes—the
word "society"
defined:

SECTION 1. That section eighty-five of chapter thirty-four of the general statutes of Minnesota, relating to corporations, be amended by adding thereto the following further proviso, viz: And, provided further, that by the word "society" as used in this section, shall be understood the religious body, constituted in accordance with its own principles of ecclesiastical polity, which forms the basis of the corporation designated in this title the church, society or congregation, and as contra distinguished from such corporation; and no person shall vote at any meeting called as aforesaid to authorize the said trustees to sell and convey, encumber or otherwise dispose of any real estate belonging to such corporation, who is not a member of such religious body.

SEC. 2. This act shall take effect from and after its passage.

Approved February 27, 1872.

CHAPTER LV.

*An Act to amend Chapter Thirty of the General Statutes,
relating to Limited Partnerships.*

March '4, 1872.

SECTION 1 Amendment to section 13 of chapter 30 of the general statutes relating to limited partnerships.

Section 13. Relating to the firm name.

2. Amendment to section 16 of the same chapter.

Sec. 16. Relating to the powers of a special partner.

3. Additional sections added.

Section 22. Accounting between general and special partners.

Section 23. Frauds in the affairs of the partnership, how punished.

4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section thirteen (13) of said chapter is hereby amended so as to read as follows:

Sec. 13. The business of the partnership shall be conducted under a firm name, in which the names of the general partners only shall be inserted: provided, that when there are two or more general partners, the firm name may consist of either the name or names of one or more of such general partners, with or without the addition of the words "& company," or "& co.;" and if the name of any special partner shall be inserted in said firm name with his privity, he shall be deemed a general partner: provided further, that the partnership shall put upon the outside and in front of the building in which it has its chief place of business, in a conspicuous place, a sign on which shall be painted in legible English characters, all the names in full of all the members of the partnership.

The partnership name.

SEC. 2. Section sixteen (16) of said chapter is hereby amended so as to read as follows:

Sec. 16. A special partner may from time to time, examine into the state and progress of the partnership concerns, may advise as to their management, may loan money to and advance and pay money for the partnership,

Special partner
—what he may do.

and take and hold the notes, drafts, acceptances and bonds of the partnership as security for the repayment of any money so loaned, advanced or paid by him, with interest thereon. He may use and lend his name and credit as security for the partnership in its business, and shall have the same remedies in these respects as any other creditor of the partnership. He may negotiate sales and make purchases for the partnership, with the approval of one or more of the general partners. He shall not transact any business for the partnership or be employed for that purpose otherwise than is herein provided, and if he shall interfere contrary to these provisions he shall be deemed a general partner.

Sec. 3. Said chapter is further amended by adding thereto the following sections:

Accounts between partners

Sec. 22. The general and special partners shall be liable to account to each other for all their acts relating to the partnership affairs, and the management of the concerns of the partnership both in law and equity.

Fraud in conducting partnership.

Sec. 23. A partner who shall be guilty of any wilful fraud in the affairs of the partnership shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, in the discretion of the court in which such conviction is had.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LVI.

An Act to amend Section Thirty-One of Chapter One of the General Statutes relating to the duties of County Auditor in making returns of votes for the Members of the Senate and House of Representatives.

February 24,
1872.

SECTION 1. Amendment to section 31, of chapter 1, of the General Statutes.

Section 31. Duties of county auditor, in making returns of votes for members of the Senate and House of Representatives.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section thirty-one of chapter one of the general statutes is hereby amended so as to read as follows:

Section 31. The county auditor of each county which does not constitute a representative or senatorial district, shall make out from the returns in his office an abstract of the votes for members of the senate and house of representatives, which he shall seal and direct to the county auditor of the senior county in his representative or senatorial district respectively; and if there are two or more counties in such district of the same age, then such returns shall be directed to the auditor of the county polling the greatest number of votes at the last preceding general election, except in the case hereinafter provided; and said auditor shall endorse on the outside of the cover thereof the following words: "Abstract of votes for member of the senate (or house of representatives, as the case may be) of the county of

Return of votes
for members of
the legislature.

" and sign his name thereto, and forward such abstract to the proper auditor within fifteen days after the day of election: Provided, that the returns and abstracts of votes for members of the legislature of the twenty-fifth district shall be made to and canvassed by the auditor of Anoka county, and the same rules shall be observed as to calling other officers to his assistance, and the manner of

opening and canvassing the returns and awarding certificates of election, by the auditor of said Anoka county, as are to be observed in other cases provided in section thirty-two of said chapter.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER LVII.

February 26,
1872.

An Act to amend Sections Forty-Eight and Forty-Nine of Chapter one of the General Statutes of Minnesota relating to Contested Elections.

SECTION 1. Amendment to section 48 of chapter 1 of the general statutes.

Section 48. Relating to proceedings in contested elections, for members of the Legislature.

2. Amendment to section 49 of the same chapter.

Section 49. Relating to proceedings in contested elections for county officers.

3. Repeal of inconsistent acts excepting chapter 45 of general laws of 1871.

4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section forty-eight of chapter one, of the general statutes be amended so as to read as follows:

Contested elections for members of the legislature.

Sec. 48. If a party whose election is contested desires to offer testimony upon points not specified in the notice of the contestants he shall, within ten days after the contestant's notice is served upon him as aforesaid, serve upon said contestant in the manner provided in section forty-six, a notice specifying such additional points and the place and time

(which shall not be more than ten days later than the time fixed by the contestant in his notice for taking depositions) at which time testimony thereon will be taken before the justices of the same county, which last notice shall be served at least ten days previous to the time of taking testimony. No testimony shall be taken by the justices which does not relate to some point specified in said notices, a copy of which shall be respectively delivered to the justices taking testimony thereon and by them transmitted to the presiding officers of that branch of the legislature where the contest is to be decided with the other documents.

SEC. 2. That section forty-nine of the same chapter be amended so as to read as follows:

SEC. 49. Any candidate or elector of the proper county may contest the election of any person declared elected to any county office, and he shall proceed therein in the manner prescribed for contesting the election of senators and representatives to the legislature. Save only that the contestant shall within twenty days after the votes have been canvassed, cause a notice specifying the points on which the election will be contested to be served on the person whose election he intends to contest, in the manner provided in section forty-six. And if such person whose election is contested desires to offer testimony upon points not specified in the notice of the contestant he shall in the same manner, within ten days after the service of the contestant's notice on him serve a notice on the contestant, specifying such additional points, and upon such notices which are not to be taken as true until proved and which may be amended if the court under all the circumstances deems it just. All testimony shall be taken as in civil actions, and all matters relating to said contest shall be heard and tried by the district court of the proper county in the manner that civil actions are tried by the court. Said contest shall be heard and tried and the costs therein taxed by the district court of the proper county in the manner that civil actions are tried by the court. And the judge of the said court in case no term of said court occurs within ninety days after the votes are canvassed, shall appoint a special term of said court and the said district court at the first general or special term after the expiration of thirty days after the votes are canvassed shall hear and determine the contest. When the judgment or decision of the district court shall be removed to the supreme court, the party removing the same shall file in the district court a bond to the opposite party in such sum, not less than five hundred dollars, and with such sureties as

Contested election for county officers.

shall be approved by the judge conditioned for the payment of all costs incurred by the respondent in case the appellant fails in his appeal.

Repeal of inconsistent acts with an exception.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed: Provided, that nothing in this act contained shall be so construed as to repeal or affect the provisions of chapter forty-five (45) of the general laws of the year A. D. 1871.

SEC. 4. This act shall take effect from and after its passage.

Approved Feb. 26, 1872.

CHAPTER LVIII.

January 26,
1872.

An Act to amend Sections Seven and Eight Chapter Three of the General Laws of the State of Minnesota.

SECTION 1. Amendment to section 7 of chapter 3, of General Laws

Sec. 7. Relating to the organization of the House of Representatives.

2. Amendment to section 8 of the same chapter.

Sec. 8. Abolishing the office of fireman.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section seven of chapter three, general laws, shall be amended to read as follows :

Organization of the House of Representatives.

Section 7. At the time specified in section five the secretary of state and in his absence the senior member present in the hall of the house of representatives, shall call the members elect to order, and appoint from such members a clerk pro-tem. The several representative districts shall be called in numerical order, and as the same are called the

persons claiming to be members shall present their certificate and take the oath required by the constitution; and shall if a quorum is present, thereupon proceed to elect in the order named *viva voce*, a speaker, a chief clerk, an assistant clerk, a second assistant clerk, an enrolling clerk, an assistant enrolling clerk, who shall also perform the duties of post-master of the house, an engrossing clerk, sergeant-at-arms, and an assistant sergeant-at-arms, who shall also perform the duties of door keeper, and a chaplain.

SEC. 2. Section eight of said chapter is hereby amended by striking therefrom the word "fireman" where it occurs therein: Provided, that the present incumbent shall be and perform the duties of assistant sergeant-at-arms during the present session.

Office of fireman abolished.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1872.

CHAPTER LIX.

An Act to amend Section One Hundred and Three of Chapter Eight of the General Statutes relating to the Board of County Commissioners.

March 4, 1872.

SECTION 1. Amendment to section 103 of chapter 8 of general statutes, relating to county commissioners.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section "one hundred and three (103) of chapter eight (8) of the general statutes is amended by striking out the word "second" in the first line, and inserting in lieu thereof the word "third."

Relating to county commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LX.

March 1, 1872. *An Act amending Section Fifty-Eight of Chapter Ten of the General Statutes.*

SECTION 1. Amendment to section 58, of chapter 10 of general statutes.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section fifty-eight of chapter ten (10) of the general statutes be amended so as to read as follows:

Relating to
contagious dis-
eases.

Section 58. When any person coming from abroad or residing in any town or city within this state is infected or lately has been infected with the small pox or other contagious disease dangerous to the public health, the board of health of the town or city where such sick or infected person is, may immediately cause such person to be removed to a separate house, if it can be done without danger to his health, and shall provide for such person or persons, nurses, medical attendance and other necessities which shall be a charge in favor of such town or city upon the person so provided for, his parents, guardian or master, if able, otherwise upon the county to which he belongs or upon the state if said person be a non-resident of the state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LXI.

March 4, 1872.

An Act to amend Chapter Sixteen of the General Statutes relating to the Sale of Intoxicating Liquors.

- SECTION 1. Amendment to section 2, chapter 10 of the general statutes, relating to sale of intoxicating drinks to minors or school children.
2. Amendment to section 8 of the same chapter, relating to the liability of sureties.
3. Amendment to section 11 of the same chapter, relating to the penalties for selling to minors or school students.
4. Penalties may be enforced in any of the district courts.
5. Drug stores, dispensaries and apothecaries, subject to the restraints of this act.
6. Repeal of inconsistent acts.
7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section two of chapter sixteen of the general statutes of this state is hereby amended by adding thereto and at the end thereof the following words: "and will not sell, barter, furnish, nor give away such liquors to any minor person, pupil or student, in any public school, academy, seminary or other institution of learning, nor to any intemperate person or habitual drunkard."

Restriction in sale of liquor.

SEC. 2. Section three of said chapter is hereby amended by adding thereto and at the end thereof the following words, to wit: "and the sureties on said bond shall be jointly and severally liable with the principal for the payment of said damages, to be recovered in a civil action."

Sureties to be jointly and severally liable

SEC. 3. Section eleven of said chapter is hereby amended so as to read as follows:

Sec. 11. It shall be unlawful for any person to sell, give, barter, furnish, or dispose of in any manner, either directly or indirectly, any spirituous, vinous, fermented or malt liquors in any quantity whatsoever to any minor person, pupil

Penalty for violation of law

or student in any public school, seminary, academy or other institution of learning within this state, or to any intemperate person or habitual drunkard. And any person violating any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction, shall be punished by fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty nor more than ninety days, or until such fine is paid; and if any person so convicted holds a license for the sale of such liquors, said license from and after the date of such conviction shall be null and void, in addition to the penalties hereinbefore provided, and no license granted in accordance with the provisions of this chapter, or the provisions of any city or village charter, ordinance or by-law, shall be construed so as to authorize the sale of any of the liquors aforesaid to the classes of persons named in this section.

May be enforced in the courts

SEC. 4. The penalties imposed by this chapter may be enforced by indictment and trial in any of the district courts of this state.

Druggists, &c., subject to restrictions of this act.

SEC. 5. All keepers of drug stores, dispensaries, apothecary shops, or other business houses in any manner dealing in spirituous, vinous, or malt liquors, for whatever purpose, shall be subjected to all the conditions, liabilities and penalties prescribed for or imposed upon other persons by this act.

Repeal of inconsistent acts

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

Repealed by Ch 292 Laws 1897

CHAPTER LXII.

An Act to amend Chapter Thirty-Nine of the General Statutes, relating to Chattel Mortgages.

February 10,
1872.

SECTION 1. Amendment to chapter 39 of the general statutes, by adding a new section.

Section 10. Proceedings to discharge a chattel mortgage from record.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Chapter thirty-nine of the general statutes is hereby amended by adding thereto the following section :

Section 10. Whenever any mortgage filed under the provisions of this chapter has been paid or the conditions thereof satisfied the mortgagee or his assignee or personal representatives, shall give to the mortgagor, his assignee or personal representatives, a certificate in writing under his hand, stating the date of the mortgage and a description of the property thereby mortgaged, and that the same has been discharged in full, and on delivering said certificate in writing to the officer with whom such mortgage is filed, the said officer shall deliver said mortgage to the person producing said certificate on payment of the sum of ten cents for filing said certificate, and shall file said certificate in his office, endorsing thereon the name of the county, town (or city or village) and the true date of filing the same, and shall keep and preserve said certificate among the records in his office, and shall write the word "satisfied," with the date, opposite to such mortgage in the book in which such mortgages are entered.

Chattel mortgage, how discharged of record

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 10, 1872.

CHAPTER LXIII.

February 27,
1872.

An Act to amend Section Five, Chapter Forty-Nine of the General Statutes, relating to Probate Courts.

SECTION 1. Amendment to section 5 of chapter 49, of the general statutes, relating to the judge of probate.

Be it enacted by the Legislature of the State of Minnesota :

Probate judges interested in estate to call upon the judge of an adjoining county to transact the business.

Section 1. That section five of chapter forty, of the general statutes, be and the same hereby is amended so as to read as follows: .

Section 5. The probate court of each county shall be held by the judge of probate. But if the judge is an executor, administrator or guardian in respect to an estate or person which would otherwise come within his jurisdiction, or is interested in said estate or in any property claimed thereby or is of kin to said person or any one interested in such estate in which any of said persons are parties or in case the judge of probate is a material or necessary witness either for the probate of any will or other facts necessary or proper to be proven in such probate court, then and in either of the cases herein provided, the said judge of probate shall have the right and it shall be his duty to notify and require the judge of probate of an adjoining county to act for and in the place of the judge of probate so disqualified in all matters herein mentioned and it shall be the duty of such judge of probate of an adjoining county to hear, try and determine such matters in the same manner and like effect as the judge of probate of said court might have done had he not been so disqualified.

Approved February 27, 1872.

CHAPTER LXIV.

An Act to amend Section One of Chapter Fifty-One of the General Statutes, relating to the Distribution of the Estates of Intestates. March 4, 1872.

SECTION 1. Amendment to section 1 of chapter 51 of the general statutes, relating to distribution of estates of intestates.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That subdivision six of section one of chapter fifty-one of the general statutes be and the same is hereby amended so as to read as follows:

Sixth. The residue, if any, of the personal estate, shall be distributed in the same proportion, and to the same persons, and for the same purpose as prescribed for the descent and disposition of the real estate, except that the widow or husband surviving, if any, shall be entitled to receive the same share of such residue, as a child of such intestate would be entitled to.

Distribution of
personal estate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LXV.

February 26,
1872.

An Act to amend Sections Thirty-Five and Thirty-Six, of Chapter Fifty-Seven of the General Statutes relating to Sales of Real Estate by Executors, administrators and guardians.

SECTION 1. Amendment to section 35 of chapter 57 of the general statutes, notice of sales of real estate by execution, &c., to be posted and also published.

2. Amendment to section 36 of the same chapter.

Section 36. Relating to the manner of making sales.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section thirty-five (35) of said chapter fifty-seven (57) is hereby amended so as to read as follows:

Notice of sale
to be posted
and published.

Sec. 35. When a public sale is ordered notice of the time and place of holding the same shall be posted up in three (3) of the most public places in the county in which the land is situated, and shall be published in a newspaper, if there is one printed in the same county, and if there is none then in such paper as the court may direct, for three (3) weeks successively next before such sale, in which notice the lands and tenements to be sold, shall be described with common certainty.

SEC. 2. Section thirty-six, (36) chapter fifty-seven, (57) be and the same is hereby amended, so as to read as follows:

Manner of
making sale.

Sec. 36. Every sale made under the provisions of this chapter shall be made in the county where the lands are situated, and between the hours of nine o'clock in the morning and the setting of the sun the same day, and shall be at public auction unless in the opinion of the probate judge it would benefit the estate of the deceased or of the wards to sell the whole or any part thereof at private sale in which case the court, if such sale is asked for in the petition may order and direct such real estate or any part thereof to be sold at private sale by the executor, administrator or guardian. But the same shall not be thus sold until the executor, administrator or guardian shall have had said real estate ap-

praised by two competent persons to be appointed by the probate court ; also, before proceeding to make such appraisal shall take and subscribe an oath to faithfully and honestly appraise said land at its fair cash valuation, which [oath] together with their appraisement shall be filed in the probate court, and no such real estate shall be sold at private sale for less than its full appraised value nor until after such notice of the terms of the sale as said court may direct, shall have been given, nor shall any such sale be made until a bond shall have been filed as provided in section thirty-three in this chapter, nor shall the executor, administrator guardian become the purchaser at such sale.

SEC. 3. This act shall take effect from and after its passage.

When act to
take effect.

Approved Feb. 28, 1872.

CHAPTER LXVI.

An Act to amend Section One Hundred and Six, Chapter Sixty-Five, of the General Statutes relating to appeals in Justices Courts.

March 4, 1872.

SECTION 1. Amendment to section 106, chapter 65, of the general statutes.

Section 106. Relating to appeals in justices' courts.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one hundred and six, chapter sixty-five of the general statutes be amended to read as follows:

Sec. 106. Within twenty days after filing the notice of appeal and before the first day of the next term of the district court, the justice shall file in the office of the clerk of the district court wherein he resides a transcript of all the entries made in his docket, together with all the process and

Appeals when
to be filed.

other papers relating to the action, and filed with the justice, and upon the filing of his return the district court shall become possessed of the action and shall proceed therein in the same manner as near as may be as in actions originally commenced in that court except as herein otherwise provided.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LXVII.

March 1, 1872.

An Act to amend Section Thirty-Four of Chapter Sixty-Five of the General Statutes relating to adjournments in Justices' Courts.

SECTION 1. Repeal of part of section 34 of chapter 64 of the general statutes.

Be it enacted by the Legislature of the State of Minnesota:

Repeal of part
of section.

SEC. 1. All that part of sec. 34, of chapter 65 of the general statutes relating to adjournments in justice's court, after the word "days" in the 6th line of the section is stricken out.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LXVIII.

An act to amend Section Twenty, Title Two of Chapter Sixty-Five of the General Statutes of Minnesota relating to Justice Courts. March 1, 1872.

- SECTION 1. Amendment to section 20 of title 2 of chapter 65 of the general statutes.
 Section 20. Relating to the hearing of actions before justices of the peace.
 2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That section twenty of title two of chapter sixty-five of the general statutes, be and the same is hereby amended so as to read as follows :

Section 20. If either party fails to appear within one hour after the time specified for the return of the process or after the hour to which the cause is adjourned the justice shall dismiss the action or proceed to hear the evidence of the party present and render judgment thereon; provided, that the defendant who has appeared, may, before answering the complaint of the plaintiff, offer to allow judgment to be taken against him for the sum or property in said offer specified with costs. If the plaintiff accepts the offer the justice shall thereupon enter judgment accordingly. If the plaintiff refuses to accept the offer, the same is to be deemed withdrawn and cannot be given in evidence, and if the plaintiff fails to obtain a more favorable judgment he cannot recover costs subsequently made to such offer but must pay the defendant's costs and disbursements made and expended subsequently to such offer.

Actions in justice court relating to judgment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LXIX.

March 1, 1872.*An Act relative to Process in Criminal Cases.*

- SECTION 1. Relating to criminal warrants and fees of city officers.
 2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Process in
criminal cases
by county off-
icers.

SECTION 1. All warrants issued by city justices for the violation of any general laws of this state shall run to the sheriff or any constable of the county or to the chief of police or any policeman of the city, but no chief of police or policeman or marshall, where he goes outside of the county to make an arrest, shall receive any fees therefor unless the commissioners of the county are satisfied that a delay in obtaining the sheriff or his deputy, or a constable to make the arrest might endanger an escape.

SEC. 2. This act shall take effect and be in force from and after its passage; anything in the charter of the city of Saint Paul, or other city to the contrary notwithstanding.

Approved March 1st, 1872.

CHAPTER LXX.

March 1, 1872.*An Act in relation to Trials of Issues of Fact in District Court.*

- SECTION 1. Judges of district courts authorized to try issues of fact during vacation.

Be it enacted by the Legislature of the State of Minnesota:

Trial of issues
of fact in vaca-
tion.

SECTION 1. The judges of the several district courts of this state may with consent of parties try issues of law and fact, in vacation, and decide such issues, either in or out of

term, and thereupon judgment may be rendered with the same effect as upon issues tried and determined in term time.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 1, 1872.

CHAPTER LXXI.

An Act to amend Section Two Hundred Seventy-Nine of Chapter Sixty-Six of General Statutes relating to Civil Actions.

March 1, 1872.

SECTION 1. Amendment to section 279 of chapter 66 of the general statutes, exempting wages of laboring classes from attachment.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section 279 of chapter 66 be, and the same is hereby amended by adding thereto the following subdivision: Eleventh. The wages of any laboring man or woman or of his or her minor children in any sum not exceeding fifty dollars due for services rendered by him or them, for any person, for and during ninety days preceding the issue of process of attachment, garnishment or execution in any action against such laborer; provided, the provisions of this act shall not apply to single laborers on railroads.

Exemption of
wages from
attachment.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 1, 1872.

CHAPTER LXXII.

February 14,
1872.

*An Act to amend Section Sixty-Two of Chapter Sixty-Six
of the General Statutes relating to Civil Actions.*

SECTION 1. Amendment to section 62 of chapter 63 of the general statutes, relating to service in civil actions.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section sixty-two of chapter sixty-six of the general statutes is amended so as to read as follows :

Service in civil
actions, how
made.

Sec. 62. Where a plaintiff or defendant who has appeared resides out of the state, and has no attorney in the action, the service may be made by mail, if his residence is known, if not known, on the clerk for him. But where a party, whether resident or non-resident, has an attorney in the action the service of papers shall be upon the attorney instead of the party. But if the attorney shall have removed from the state such service may be made upon him personally, either within or without the state, or by mail to him at his place of residence, if known, and if not known, then by mail upon the party, if his residence is known whether within or without the state. And if the residence of neither the party or attorney are known the service may be made on the clerk for the attorney.

SEC. 2. This act shall take effect and be in force from after its passage.

Approved February 14, 1872.

CHAPTER LXXIII.

An Act to amend Section Thirty-Two of Title Two of Chapter Eighty-One of the General Statutes, relating to the execution and recording of Certificates of Sale, in Foreclosure by Action. March 1, 1872.

SECTION 1. Amendment to section 32 of title 2 of chapter 81, relating to the execution and recording of certificates of sale by foreclosure.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section thirty-two (32) of title two (2), chapter eighty-one (81) of the general statutes, be and the same is hereby amended so as to read as follows:

Section 32. The provisions of section three (3), four (4), nine (9), eleven (11), fourteen (14), fifteen (15) and seventeen (17), of title one (1) aforesaid, shall apply to and govern proceedings under this title. Provided, that the certificate required by section eleven (11) of title one (1) aforesaid, shall be executed, proved, or acknowledged, and recorded as required by law, for the conveyance of real estate within twenty (20) days after the confirmation of the report of such sale, and in all cases when such certificate has not been, or hereafter may not be made and recorded, in the time and manner herein, and by law provided for, the court upon application, and upon showing that a former certificate has been made, may order that another certificate as required by section eleven (11) aforesaid be executed, acknowledged and recorded, with the like effect as if the same had been made and recorded within said twenty (20) days. Provided that the party applying for such certificate shall make proof to the court that all parties who may have acquired any interest in said premises so sold subsequent to the confirmation of said sale and the time of making said application have been duly notified of the time and place of making said application.

Certificates to
be executed
and recorded
within 20 days.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LXXIV.

March 1, 1872. *An Act to amend Section Seven of Chapter Ninety-Eight of the General Statutes.*

SECTION 1. Amendment to section 7 of chapter 98 of the general statutes, relating to wanton destruction of property.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section seven of chapter ninety-eight of the general statutes of Minnesota be and the same is hereby amended so as to read as follows:

Penalty for unlawful destruction of property

Section 7. If any of the persons so unlawfully assembled, demolish, pull down or destroy any dwelling house or any other building, or any shop, steamboat or vessel, he shall be punished by imprisonment in the state prison not more than seven years nor less than three years or by fine not exceeding one thousand dollars in the discretion of the court.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LXXV.

*An Act to amend Chapter Seventy-One of the General Laws of 1867, concerning offences against Property.*March 1, 1872.

SECTION 1. Amendment to section 1 of chapter 71 of general statutes of 1867, relating to punishment for offences against property.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one (1) of chapter seventy-one (71) of the general laws of Minnesota for the year one thousand eight hundred and sixty-seven (1867) be amended so as to read as follows:

Section 15. Whoever commits the crime of larceny by stealing of the property of another any money, goods or chattels, or both [bank] note, bond, promissory note, bill of exchange, or other bill, order or certificate, or any book of accounts, for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt, or release, or defeasance, or any writ, process or public record, if the value of the property stolen is one hundred (100) dollars or over, shall be punished by imprisonment in the state prison not more than seven (7) years nor less than one (1) year; if the value of the property stolen is less than one hundred (100) dollars, and more than twenty (20) dollars, he shall be punished by imprisonment in the state prison not more than three (3) years nor less than six (6) months, or by imprisonment in the county jail not more than six months nor less than three months, or by fine not exceeding three hundred (300) dollars; and if the value of the property stolen does not exceed twenty (20) dollars he shall be punished by imprisonment in the county jail not more than three (3) months or by fine not exceeding one hundred (100) dollars.

Larceny of public property—
penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LXXVI.

March 1, 1872. *An Act to amend Section Seven of Chapter Seventy of the General Statutes relating to Fees of Witnesses.*

SECTION 1. Amendment to section 7 of chapter 70 of the general statutes, providing for fees to be paid to experts as witnesses.

Be it enacted by the Legislature of the State of Minnesota:

Experts may
be allowed
compensation
as witnesses.

SECTION. 1. That section seven of chapter seventy of the general statutes be amended by adding to the end thereof the following proviso, viz: Provided, that the judge of any court of record in this state, before whom any witness is summoned or sworn and examined as an expert in any profession or calling may, in his discretion, allow such fees or compensation as, in his judgment, may be just and reasonable.

Approved March 1, 1872.

CHAPTER LXXVII.

March 4, 1872. *An Act to Prevent the Imprisonment of Witnesses in Certain Cases.*

SECTION 1. Witnesses may be held on their own recognizance, when.

2. Repeal of chapter 71, of general laws of 1868.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall not be lawful, except in cases of murder in first degree, arson where human life is destroyed, and cruel abuse of children, to commit or imprison any witness

who is willing and offers to enter into his or her own recognizance without sureties to appear and testify in the case or prosecution in which his or her testimony is required. All persons held as witnesses shall receive such compensation during confinement as the judge of the court in which the case is pending shall direct, not exceeding regular witness fees.

Witnesses may be held on their own recognizances, when.

SEC. 2. Chapter seventy-one of the general laws of 1868 and all acts and laws inconsistent with this act are hereby repealed, except as above stated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LXXVIII.

An Act to prevent the Destruction of Fish from the Waters of Hennepin, and Ramsey, also Washington Counties.

February 27,
1872.

- SECTION 1. The catching of fish prohibited, when, in Hennepin and Ramsey counties.
2. Penalty for violation of this act.
 3. Time of commencing prosecution limited.
 4. By whom complaints to be made.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be unlawful for any person to catch, kill, or destroy, or to spear fish at any season for the purpose sale, any fish known by the name of pickerel, or any fish known by the name of bass, from any lake, pond

Fishing prohibited
between March
15 and May 15.

or marsh, or from any inlet or outlet thereof, situated and being within the boundaries of the counties of Hennepin and Ramsey, also Washington, state of Minnesota, between the 15th day of March and the 15th day of May in any year.

Penalty for
violation.

SEC. 2. Any person or persons who shall violate the provisions of the preceding section, shall, upon conviction thereof, suffer a fine of five dollars for each and every one of said fish so caught, killed or destroyed, together with the costs of prosecution.

Prosecutions
when to be
commenced.

SEC. 3. All prosecutions under the provisions of this title, shall be commenced within one month from the time when such offense was committed and shall be conducted in the same manner as provided for in section ten (10) chapter thirty three (33), general laws of Minnesota for 1871.

Duty of super-
visors and
constables.

SEC. 4. It shall be the duty of supervisors and constables of towns and police officers of cities having knowledge of the violation of any of the provisions of this chapter, to make complaint thereof to any justice of the peace of said counties, or police justice of the city, and any other person having such knowledge, may make complaint before such justice, and the said justice shall issue his warrant for the arrest of the offender, and proceed to hear and determine the matter in issue, in the same manner as provided in other cases, and every person convicted under any of the provisions of this chapter shall stand committed until such fine is paid: Provided, that such imprisonment shall not exceed one month.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER LXXIX.

An Act to Provide for the Organization of the County of March 4, 1872.
Cass.

- SECTION 1. Cass county declared to be organized.
2. Appointment of commissioners by the governor.
 3. Duties of county commissioners.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county of Cass is hereby declared to be an organized county.

SEC. 2. The governor of the state shall appoint three qualified electors of said county of Cass as commissioners of said county and the said commissioners shall as soon as may be after their appointment, meet and qualify and enter upon the duties of their offices, and they shall hold their offices until the next general election occurring more than thirty days after their qualification and until their successors are elected and qualified.

Commissioners
to be appointed

SEC. 3. The said commissioners shall within six months from the commencement of their term of office by resolution concurred in by any two of them, locate the county seat of said county, and they shall also at their first meeting or at any meeting thereafter, appoint qualified persons to fill all the county offices in said county except as to such officers as may be rendered unnecessary in said county by reason of the attachment of the same to any other county for judicial purposes; which persons so appointed and having qualified shall hold their respective offices until the next general election, occurring more than thirty days after their appointment and until their successors are elected and qualified.

Duties of com-
missioners.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LXXX.

February 27,
1872.

An Act to provide for the Organization of the County of Clay, and locating the County Seat thereof.

- SECTION 1. Clay county declared to be an organized county.
 2. Appointment of commissioners by the governor.
 3. Duties of the county commissioners.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

County seat.

SECTION 1. That the county of Clay in this state, be and the same is hereby declared to be an organized county, with all the rights and privileges and immunities of other organized counties within this state and the county seat of said county is hereby temporarily located on the north half of section eight (8) of township number one hundred and thirty-nine (139), north of range forty-eight (48) west, at the town of Moorhead on the Red river.

Commissioners
—how appointed.]

SEC. 2. The governor of this state shall within ten days after the passage of this act appoint three (3) qualified electors of said county of Clay, as commissioners of said county, and the said commissioners shall within twenty (20) days after their appointment meet at the county seat and qualify and enter upon the duties of their offices, and they shall hold their offices until the next general election and until their successors are elected and qualified.

Duties of commissioners.

SEC. 3. The county commissioners appointed and qualified according to the provisions of section two (2) of this act shall at their first meeting or within thirty (30) days thereafter, appoint qualified persons to fill all the county offices in said county, except clerk of the district court, who shall be appointed by the judge of said court, also two justices of the peace and two constables, which persons so appointed and having qualified shall hold their respective offices until the next general election and until their successors are elected and qualified.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved Feb. 27, 1872.

CHAPTER LXXXI.

*An Act to establish the County of Franklin, and provide for its Organization.*February 8,
1-72.

- SECTION 1.** Franklin county established and organized.
2. Location of the county seat.
 3. Notice of election to counties to vote upon the approval of the county boundaries.
 4. Form of ballot to be used.
 5. Manner of canvassing votes and by whom.
 6. Duties of the county canvassing boards.
 7. Relating to the collection of taxes within the boundaries of the new county.
 8. In case of approval by governor to appoint commissioners.
 9. Duties of the county commissioners so appointed.
 10. Provides for the transcribing of titles within the said boundaries.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of the territory of the counties of Stearns and Todd in the state of Minnesota as is described in the following boundaries be, and the same is hereby established as the county of Franklin, to wit: Beginning at the north-east corner of township numbered one hundred and twenty-eight (128), north of range numbered thirty-two (32) west of the fifth principal meridian, and running thence west along the township line, between townships numbered one hundred and twenty-eight (128) and one hundred and twenty-nine (129) to the northwest corner of township numbered one hundred and twenty-eight (128) north of range numbered thirty-five (35) west of the meridian aforesaid, thence south along the range line between ranges numbered thirty-five (35) and thirty-six (36) to the south-west corner of township numbered one hundred and twenty-three (123) north of range numbered thirty-five aforesaid, west of the aforesaid meridian, thence east along the said township line between townships one hundred and twenty-three (123) and one hundred and twenty-two (122) to the south-east corner of township numbered one hundred and twenty-three (123) north of range numbered thirty-three (33) west of the meridian aforesaid, thence north along the said range line between ranges numbered thirty-three (33) and thirty-two (32)

Boundaries.

to the north-east corner of township numbered one hundred and twenty-six (126) north of range numbered thirty-three (33) aforesaid, thence east along said township line to the south-east corner of township numbered one hundred and twenty-seven north of range numbered thirty-two (32), thence north along said range line between ranges numbered thirty-one (31) and thirty-two (32) to the place of beginning.

County seat. SEC. 2. The name of the above included territory shall be the county of Franklin, and the county seat of said county shall be at the town of Sauk Centre.

Vote upon boundaries. SEC. 3. At the time of giving notice of the next general election to be held in the year one thousand eight hundred and seventy two, it shall be the duty of the officers of each voting precinct in the counties of Stearns and Todd, required by law to give notice of such election, to give notice at the same time, that at such election the provisions of this act will be submitted to the electors of the said counties of Stearns and Todd for their approval or disapproval.

Ballot to be used. SEC. 4. At said election each voter in each of said counties in favor of establishing the county proposed in this act shall have plainly written or printed or partly written and partly printed on their ballots "For establishing the county of Franklin," and those opposed to the establishing of said proposed county shall have written or printed or partly written and partly printed on their ballots "Against establishing the county of Franklin."

Canvass of votes. SEC. 5. Such votes shall be received and canvassed at the same time and in the same manner and returns thereof made to the same officers by the judges of election of the several election precincts in said counties as ballots for county officers are required to be canvassed and returned.

Return of canvass. SEC. 6. The county canvassing board of each of the said counties of Stearns and Todd shall canvass the returns upon the said proposition, to establish the county of Franklin, in the same manner and at the same time as returns for county officers are required by law to be canvassed, and the abstract thereof shall be made on one sheet and signed and certified in the same manner as in the case of the abstract of votes for county officers, and it shall be deposited in the county auditor's office immediately thereafter; and a copy thereof duly certified by the county auditor immediately inclosed and forwarded by him to the secretary of state as provided by section twenty-one of chapter one of the general statutes, and if it appears that this act has been approved by a majority of the electors of said counties voting at said election, the governor shall make proclamation

to that effect forthwith in such manner as he shall deem advisable.

SEC. 7. This act shall not be deemed nor construed to effect in any manner the collection of any tax upon any property within the territory of said new county of Franklin, levied and uncollected previous to the time when this act shall take effect, but all such taxes shall be collected and payment thereof enforced by the officers of the counties of Stearns and Todd respectively in the territory detached from each, in the same manner, and with the same effect, as if such territory had remained and continued a part of said counties, and any and all moneys then remaining in or afterwards coming into the treasuries of either of said counties of Stearns and Todd or into the possession of any officer of either of said counties, belonging to or payable to any town or school or road district hereby made a part of said new county of Franklin, shall be apportioned and paid over to such town or district in the same manner as they would have been, had such town or district remained within the said county.

Collection of
taxes.

SEC. 8. In case the said county proposed by this act shall be established by the voters of said counties as herein provided the governor shall appoint three qualified electors of said county of Franklin as commissioners of said county, and the said commissioners shall, as soon as may be, after their appointment meet at the county seat and qualify and enter upon the duties of their offices and they shall hold their offices until the next general election after they have qualified and until their successors are elected and qualified.

Commissioners

SEC. 9. The county commissioners appointed and qualified according to the provisions of section eight of this act shall at their first meeting, or at any subsequent meeting previous to the next general election appoint qualified persons to fill all the county officers in said county, except clerk of the district court, who shall be appointed by the judge of said court, which officers so appointed and having qualified shall hold their offices until the next general election after their appointment and until their successors are elected and qualified.

Duties of com-
missioners.

SEC. 10. It shall be the duty of the register of deeds appointed by section nine of this act or his successors in office to transcribe into the records of his office as soon as may be all the records of all the property included in the said new county of Franklin from the records of the counties of Stearns and Todd, and he shall receive for said work from the county treasury of said new county not to exceed the sum of six cents per folio and said records so made shall be

Title records.

Repeal of in-
consistent acts

the legal records of all the real estate in said county, and have the same effect in law as though the original instruments had been recorded in said office, and may be read in evidence in any court of this state as such records.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1872.

CHAPTER LXXXII.

February 26,
1872.

An Act to Organize the County of Murray.

- SECTION 1. Organization of Murray county.
2. Election of county commissioners.
 3. Said commissioners to organize the county and locate the county seat.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Declared an
organized
county.

SECTION 1. That the county of Murray in this state be and the same is hereby declared to be an organized county with all the rights and privileges and immunities of other organized counties within this state, and the county seat shall be located by the county commissioners hereafter to be elected as provided in this act.

Election of
county com-
missioners.

SEC. 2. On the day of the next annual town meeting after the passage of this act the legal voters of said county may meet at the several places where the last annual election were held in said county, and after choosing judges of election shall, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, proceed to vote for three county commissioners, and after canvassing such votes said judges of election shall within ten days thereafter make

a report of such canvass to the county auditor of Watonwan county to which said Murray county is attached for judicial purposes, who shall issue certificates of election to the three having the highest number of votes, which commissioners shall within twenty days thereafter qualify and enter upon their duties, and who shall hold their offices until the next annual election and until their successors are elected and qualified.

SEC. 3. Immediately upon the qualification of said commissioners they shall proceed to locate the county seat of said county and appoint qualified persons to fill all the county offices in said county, except clerk of the district court, and also to appoint two justices of the peace and two constables, which persons so appointed and having qualified shall hold their offices until the next annual town meeting and until their successors are elected and qualified.

County seat
to be located.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved Feb. 26, 1872.

CHAPTER LXXXIII.

An Act to provide for the Organization of the County of Wilkin and to define the boundary thereof. March 4, 1872.

SECTION 1. Wilkin county, boundaries of.

2. Location of the county seat.
3. Appointment of commissioners by the governor.
4. Duties of county commissioners.
5. Repeal of inconsistent acts.
7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of the county of Wilkin as embraced in the following described territory, to wit: commencing at the north east corner of township 136 of range 45 west, running thence west on the town line between 136

Boundaries.

and 137 to the state line, thence in a southerly direction along the west line of the state of Minnesota to the town line between 129 and 130. Thence east on said town line to the southeast corner of township 130 of range 45 west, thence north on the range line between range 44 and 45 to the place of beginning, is hereby declared to be an organized county with all the rights, privileges and immunities of other organized counties within this state.

County seat.

SEC. 2. The county seat of said county is hereby temporarily located on section nine (9) in township one hundred and thirty-two (132) of range forty-seven (47) at the place known as Breckenridge.

County commissioners.

SEC. 3. The governor of this state shall within ten days after the passage of this act appoint three qualified electors of said Wilkins county as commissioners of said county, and the said commissioners shall within twenty days after their appointment meet at the county seat and qualify and enter upon the duties of their office and they shall hold their office until the next general election and until their successors are elected and qualified.

County officers.

SEC. 4. The county commissioners appointed and qualified according to the provision of section three of this act shall at their first meeting or within thirty days thereafter appoint qualified persons to fill all the county offices of said county except clerk of the district court, who shall be appointed by the judge of said court, also two justices of the peace and two constables who shall hold their offices until the next annual town meeting and until their successors are elected and qualified.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage,

Approved March 4, 1872.

CHAPTER LXXXIV.

An Act to detach certain Townships from the County of Jackson and attach the same to the County of Nobles.

February 28,
1872.

SECTION 1. Change of boundary lines between Jackson and Nobles counties.

2. Election when to be held, to vote upon the same.
3. County officers to canvass votes within certain time.
4. Repeal of inconsistent acts.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That townships number one hundred and one (101), one hundred and two (102), one hundred and three (103) and one hundred and four (104), range thirty-eight (38) in the county of Jackson, are hereby detached from said Jackson county and attached to and made a part of the county of Nobles.

Adds certain
townships to
Nobles county.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers of the counties of Jackson and Nobles, required by law to give notice of such election, to give notice in like manner that at said election a vote will be taken on the question of changing the boundary lines between said counties, in accordance with section one of this act. At said election the voters of the counties of Jackson and Nobles, in favor of the change contemplated by this act shall have distinctly written or printed on their ballots, "For detaching range thirty-eight (38) from the county of Jackson and attaching the same to the county of Nobles," and those opposed to said change, "Against detaching range thirty-eight (38) from the county of Jackson and attaching the same to the county of Nobles," and the said vote shall be returned to the same officers by the judges of election of the several townships as votes for state officers.

Vote to be
taken.

SEC. 3. The county officers to whom the returns are made in said counties, shall within twenty (20) days after said election, canvass the votes returned for and against the proposed change, and shall forthwith certify the result of such

Return of votes

Return of votes canvass to the governor, who, if it appears that a majority of the votes cast in each of said counties of Jackson and Nobles are in favor of such change, shall make proclamation thereof by causing to be published in the newspapers printed in said counties, that the proposition has been ratified and adopted by the majority of the electors of said counties, and thereupon the first section of this act shall take effect and be in force.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LXXXV.

February 29,
1872.

An Act to detach certain Townships from the County of Nobles and attach the same to the County of Rock.

- SECTION 1. Change of boundary line between Rock and Nobles counties:
2. County officers to give notice of election to vote upon the same.
 3. Canvassing of the returns by whom made.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

**Rock county
enlarged.**

SECTION 1. That township number one hundred and one (101), one hundred and two (102), one hundred and three (103), one hundred and four (104), range forty-three (43) in the county of Nobles, are hereby detached from said Nobles county and attached to and made a part of the county of Rock.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers of the counties

of Nobles and Rock, required by law to give notice of such election. to give notice in like manner that at said election a vote will be taken on the question of changing the boundary lines between said counties, in accordance with section one (1) of this act. At said election the voters of the counties of Nobles and Rock, in favor of the change contemplated by this act, shall have distinctly written or printed on their ballots, "for detaching range forty-three (43) from the county of Nobles and attaching the same to the county of Rock," and those opposed to said change, "against detaching range forty-three (43) from the county of Nobles and attaching the same to the county of Rock," and the said vote shall be returned to the same officers by the judges of election of the several townships, as votes for state officers.

Vote to be taken.

SEC. 3. The county officers to whom the returns are made in said counties, shall within twenty (20) days after said election, canvass the votes returned for and against the proposed change, and shall forthwith certify the result of such canvass to the governor, who, if it appears that a majority of the votes cast in each of said counties of Nobles and Rock are in favor of such change shall make proclamation thereof by causing to be published in some newspaper having general circulation in each of said counties, that the proposition has been ratified and adopted by the majority of the electors of said counties, and thereupon the first section of this act shall take effect and be in force.

Return of votes

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER LXXXVI.

February 29,
1872.

An Act to detach Townships number one hundred and fifteen (115) and one hundred and sixteen (116) North of Ranges number thirty-one (31) and thirty-two (32) from Renville County and attach the same to McLeod County.

- SECTION 1. Change of boundary lines between Renville and McLeod counties.
2. Time of voting upon the same and form of ballot to be used.
 3. Canvassing of the returns and proclamation by the governor if carried.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

McLeod county
enlarged.

SEC. 1. That townships number one hundred and fifteen (115) and one hundred and sixteen (116) north of ranges number thirty-one (31) and thirty-two (32) be and the same are hereby detached from the county of Renville and attached to the county of McLeod; and said townships shall hereafter form and be a part of said county of McLeod.

Vote to be
taken.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers in said Renville and McLeod counties required by law to give notice of such general election, to give notice in like manner, that at said election a vote will be taken on the question of detaching townships number one hundred and fifteen (115) and one hundred and sixteen (116) north of ranges number thirty-one (31) and thirty two (32) from Renville county and attaching the same to the said county of McLeod in accordance with the provisions of this act. At said election the voters in each of said counties in favor of detaching said townships from Renville county and attaching the same to McLeod county shall have distinctly written or printed or partly written and partly printed on their ballots the words "In favor of detaching said townships from Renville county and attaching the same to McLeod county;" and those opposed to the detaching of said towns from Renville

county and attaching the same to McLeod county shall have distinctly written or printed or partly written and partly printed on their ballots the words "against detaching said townships from Renville county and attaching the same to McLeod county." The votes upon said question shall be canvassed in the same manner and the returns thereof made to the same office by the judges of election of the several townships in Renville and McLeod counties as votes for county officers.

SEC. 3. The county officers to whom the returns are made, in each of said counties, shall, within ten (10) days after said election, canvass the votes returned for and against the detaching said townships from Renville county, and attaching the same to McLeod county, and shall forthwith certify the result of such canvass to the governor, who, if it appears that a majority of all the voters in said counties shall have voted in favor thereof, shall make proclamation thereof by causing to be published in two (2) daily newspapers in the city of St. Paul, that the detaching of said townships from Renville county and attaching the same to McLeod county proposed by this act has been ratified by a majority of the voters of said counties.

Return of votes

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LXXXVII.

February 23,
1873.

An Act to change the County lines of Otter Tail County.

- SECTION 1. Change of boundary line between Wilkin and Otter Tail counties.
2. Vote of the people to be taken on the change.
 3. Return of votes, how made.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
boundary line.

SECTION 1. Townships 131, 132, 133, 134, 135, and 136, in range 44 west, are hereby detached from the county of Wilkins and the same are hereby attached to and made a part of Otter Tail county as hereinafter provided.

Vote upon the
same.

SEC. 2. At the time of giving notice of the next general election it shall be the duty of the officers in Otter Tail county whose duties are to give notice of general elections to give notice in like manner that at said election a vote will be taken upon the question as to whether this law shall take effect.

At said election the voters in said county in favor of the adoption of this law shall have distinctly written or printed or partly written and partly printed upon their ballots, "for change of county lines," and those opposed to the provision of this act, "against the change of county lines." The votes upon said question shall be canvassed in the same manner and returned to the same officer by the judges of election, as votes for county officers.

Return of votes

SEC. 3. The county officer to whom the returns are made shall canvass the votes upon said question in the same manner and at the same time as votes for county officers, and shall forthwith certify the result of such canvass to the governor, who, if it appear that a majority of the legal voters in said county have voted in favor of said law, shall make proclamation thereof as he may deem advisable.

SEC. 4. All acts and parts of acts inconsistent with this [act] are hereby repealed.

Sec. 5. Section one of this act shall take effect and be in force from and after the ratification thereof as aforesaid, and the other sections shall take effect and be in force from and after its [their] passage. When act to take effect.

Approved February 28, 1872.

CHAPTER LXXXVIII.

An Act to detach the County of Wilkin from the County of Douglas and attach it to the County of Otter Tail for Judicial and Recording purposes.

February 29,
1872.

- SECTION 1. Wilkin county attached to Otter Tail county for judicial purposes.
2. Proceedings returnable to Douglas county, to be returned to Otter Tail county.
 3. Repeal of inconsistent acts.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The county of Wilkin is hereby detached from the county of Douglas and attached to the county of Otter Tail for judicial and recording purposes.

Wilkin county
attached to
Otter Tail for
judicial pur-
poses

Sec. 2. All judicial proceedings now pending [in] and all recognizances and writs returnable to the district court in the county of Douglas from said county of Wilkin shall be made pending in and returnable to the district court in Otter Tail county, and to the term of such court as fixed by law.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER LXXXIX.

February 28,
1872.

An Act to detach the Counties of Stevens and Traverse from the County of Pope for Judicial purposes and to attach the County of Traverse to the County of Stevens and to establish a term of the District Court in Stevens County.

- SECTION 1. Stevens and Traverse counties united for judicial purposes.
- 2 Time of holding district court.
 3. Proceedings, &c., returnable to the county of Stevens.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Stevens and
Traverse coun-
ties united for
judicial pur-
poses

SECTION 1. That the counties of Stevens and Traverse be and the same are hereby detached from the county of Pope for judicial purposes and that the county of Traverse be attached to the county of Stevens for judicial purposes.

SEC. 2. A term of the district court shall be held in and for said county of Stevens in the seventh judicial district commencing on the third Tuesday of June in each year.

SEC. 3. All actions and judicial proceedings, civil and criminal, arising in the counties of Stevens and Traverse and pending in court when this act takes effect shall be returnable to and be made to pend and be tried in the county of Stevens.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 28, 1872.

CHAPTER XC.

An Act to amend Section Two of Chapter Seventy-One of the General Laws of 1870.

February 14,
1872.

SECTION 1. Amendment to section 2 of chapter 71 of general laws of 1870.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota

SECTION 1. That section two (2) of chapter seventy-one (71) of the general laws of one thousand eight hundred and seventy, be and the same is hereby amended, by striking out the word "thirty" before the word "days" in the seventeenth line of said section, and inserting the word "sixty" in lieu thereof.

Amendment to
general law

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 14, 1872.

CHAPTER XCI.

An Act to amend Chapter Thirty-One of the General Laws of 1870, relating to City Elections, found on page Fifty-Nine.

February 24,
1872.

SECTION 1. Amendment to chapter 31 of the general laws of 1870, relating to city elections.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following section be added to chapter one of thirty-one of the general laws of 1870:

First city elec-
tions under
general incor-
poration act

SEC. 3. That the said judge of probate in his order designating the time and place of holding the first election of officers of any city incorporated under this act shall name three electors of each ward who shall conduct the said first election for their respective wards and who shall be the inspectors thereof and shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths, and the persons so named as inspectors of the election shall hold and conduct the same in the manner and under the same penalties as provided by the laws of this state regarding elections, and shall have power to fill vacancies in the board of inspectors as provided by law.

Approved Feb. 24, 1872.

CHAPTER XCII.

February 29,
1872.

An Act to amend Section Nine of Chapter Thirty-Three of the General Laws of 1871.

SECTION 1. Amendment to section 9 of chapter 33 of the general laws of 1871.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section nine of chapter thirty-three of the general laws of 1871 be amended by inserting the words "and Root" after the word St. Croix and before the word rivers in the tenth line of said section.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XCIII.

An Act to Repeal Chapter Seventy-Nine (79) of the General Laws of Eighteen Hundred and Seventy, (1870.)

February 10,
1872

- SECTION 1. Repeal of chapter 79 of the general laws of 1870.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter seventy-nine (79) of the general laws of eighteen hundred and seventy (1870) be and the same is hereby repealed. Repeal of law

SEC. 2. This act shall take effect and be in force from and after July 1st, 1872.

Approved Feb. 10, 1872.

CHAPTER XCIV.

An Act to amend Section Two (2) of Chapter Twenty (20) of the General Laws of 1871.

February 27,
1872.

- SECTION 1. Change of senatorial and representative boundaries in the thirty-sixth district.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That that part of section two which provides for the thirty-sixth senatorial district be amended so as to read as follows:

Thirty-sixth
district
changed.

The thirty-sixth district shall be composed of the counties of Sibley and McLeod, and shall be entitled to elect one senator; and the towns of Sibley, Kelso, Henderson, Dryden, Arlington, Jessenland, Washington Lake and Faxon, in the county of Sibley, shall be entitled to elect one representative; and the towns of New Auburn and Green Isle, in the county of Sibley and the towns of Glencoe, Helen, Bergen, Rich Valley, Hale and Winsted, in the county of McLeod, shall be entitled to elect one representative, and all the balance of the counties of McLeod and Sibley lying west of the line between range twenty-eight and twenty-nine, shall be entitled to elect one representative.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 27, 1872.

CHAPTER XCV.

February 27,
1872.

An Act authorizing the Adjutant General to complete the Revision and Correction of the War Record of Minnesota Soldiers, and Appropriating Money for said Purpose.

- SECTION 1. Completion of revision of war record of Minnesota soldiers authorized.
2. Appropriation to the adjutant general therefor.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the adjutant general is hereby authorized and empowered to continue, and complete the revision and correction of the war record of Minnesota soldiers, in accordance with the provisions of section one, of chapter twelve, of the general laws of 1871.

• Appropriation
for completion
of war record.

SEC. 2. That for the purpose set forth in section one of

this act, the sum of twelve hundred (1200) dollars, or so much thereof as is necessary be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER XCVI.

An Act to aid Citizens of Minnesota who have suffered Loss or Damage of Property by Fire and Storm during the Summer and Fall of 1871.

February 29,
1872.

- SECTION 1. Provides for an appropriation of money for relief of certain citizens.
1. Proceedings to entitle parties to relief.
 2. County auditors to forward statements of claims allowed to the governor.
 4. The governor required to consolidate these statements and file copy with state auditor.
 5. The state auditor to issue certificates for said claims.
 6. The certificates to be forwarded to the several county treasurers.
 7. Amount of appropriation.
 8. Provides for a ratio distribution if claims exceed appropriation.
 9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There is hereby appropriated, for the relief of certain citizens in the several counties of this state, who have suffered loss or damage to property by fire or storm during the summer and fall of the year 1871, a limited amount of money as hereinafter specified to enable them to purchase seed wheat or other grain and for no other purpose whatever, for the present year.

Aid for damage
by fire and hail.

SEC. 2. The chairman of the board of county commissioners of any county where the hail storm and fires of the past summer and fall have destroyed the crops in their respective counties to an extent sufficient to cause distress in any of the communities of said counties, may call a meet-

Proceedings to
obtain aid.

ing of said board of county commissioners at the county seat of the county, on the 12th day of March, 1872, and such adjourned meetings as may be necessary up to and including the 30th day of said month, at which meeting all citizens of such county who suffered loss or damage to their crops, improvements or other property by fire or storm, at any time during the summer or fall of 1871, and who have not been paid insurance for said loss, may present to said board a statement in writing of said loss or damage, the amount and value of the property destroyed or damaged, and the time and cause of such loss or damage, which statement shall be duly signed and sworn to by the applicant before some officer authorized to administer an oath.

The said board shall, thereupon, forthwith examine into the merits of said claim, and may allow or disallow the same in whole or in part, as they find the facts in the case may justify, and thereupon the chairman of said board shall endorse on the said claim, the amount or balance allowed, and file the said claim so endorsed with the county auditor of said county. Provided, that in no case shall the claim of any one person be allowed at a greater sum than fifty dollars, nor shall the same be allowed, unless the claimant shall be an actual *bona fide* resident of the said county in which the claim is presented.

Claims to be
forwarded to
governor.

Sec. 3. On the 30th day of March 1872, or within three days thereafter, the county auditors of the several counties, in which any such claims have been preferred, shall make out, certify and seal duplicate consolidated statements of all such claims, any part whereof has been allowed by said county board with the name and post office address of the applicant, the township where he resides, the amount and value of property lost or damaged as aforesaid, and the amount of damages allowed by the county board. The said duplicates shall be certified as correct by the chairman of the board and one copy thereof filed in the office of the county treasurer of said county, and one copy sent by mail or otherwise, to the governor of the state, at the city of St. Paul.

Governor to
certify claims
to auditor.

Sec. 4. It shall be the duty of the governor on or before the 15th day of April, 1872, to consolidate all such statements received by him up to that date in duplicate, and after duly certifying the same, forthwith to file one copy thereof in the office of the state auditor, and one copy in the office of the state treasurer.

Sec. 5. The state auditor, upon receipt of said duplicate shall proceed at once to issue certificates under his hand

and seal, in the name of the several claimants, specifying the amount allowed to each one, and that said amount will be on the 15th day of May A. D. 1872, subject to the order of said claimant, at the office of the state treasurer upon return of said certificate.

Certificate to be issued.

SEC. 6. It shall be the duty of the state auditor on or before the 20th day of April A. D., 1872, to transmit by mail or express to the treasurer of the county where the several claimants reside, the certificates herein mentioned; said treasurer shall deliver to said claimants in person, or to their authorized agents, the certificates to which they shall be severally entitled and take a receipt therefor from each respectively.

Certificate to be forwarded to county auditors

SEC. 7. The sum of twenty thousand (2000) dollars is hereby appropriated out of unexpended balances in the treasury, not otherwise appropriated to carry out the provisions of this act.

Appropriation.

SEC. 8. Should the amount allowed to claimants in the aggregate exceed the sum appropriated it shall be the duty of the state auditor to apportion the amount to such claimant in the ratio that the whole amount allowed bears to the amount appropriated, and to issue his certificate accordingly.

Claims pro rata to apportionment.

SEC. 9. This act shall take effect from and after its passage.

Approved Feb. 29, 1872.

CHAPTER XCVII.

January 13,
1872.

An Act to appropriate Money for the Legislative Expenses of the Present Session of the State Legislature.

SECTION 1. Appropriation for legislative expenses.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

\$65,000 for per
diem and mil-
leage.

SECTION. 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of sixty-five thousand dollars or so much thereof as may be necessary for the payment of the per diem, mileage and other expenses of the members and officers of the present state legislature.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 13, 1872.

CHAPTER XCVIII.

March 1, 1872.

An Act to appropriate Money for Certain Purposes therein named.

SECTION 1. Appropriation for deficiencies.

2. When to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury belonging to the general revenue fund not otherwise appropriated:

1st. To supply a deficiency in the appropriation of one thousand eight hundred and seventy-one (1871) for supplying paper necessary for public printing, three thousand (\$3,000) dollars. Public printing

2d. To supply a deficiency in the appropriation of one thousand eight hundred and seventy-one (1871,) for repairing and furnishing the state capitol, eight thousand (\$8,000) dollars. Repairing capitol.

3d. To supply a deficiency in the appropriation of one thousand eight hundred and seventy-one (1871) for expenses and pay of sheriffs in conveying convicts to state prison, four hundred and eighty-seven (\$487 10) dollars and ten cents. Conveying convicts to prison.

4th. To supply a deficiency in the appropriation of one thousand eight hundred and seventy-one (1871) for postage, stationery and incidental expenses, of the supreme court two hundred and fifty (\$250 00) dollars. Supreme court.

5th. For postage, stationery and mileage, and per diem of the attorney general in the prosecution of offenders as allowed by law, two hundred and fifty dollars, (\$250) being a deficiency in the appropriation of one thousand eight hundred and seventy-one (1871,) for that purpose. Attorney general.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER XCIX.

February 26,
1872.

An Act to appropriate money for the payment of the Salaries of the officers of the State Government for the year One Thousand Eight Hundred and Seventy-two (1872).

SECTION 1. Appropriation for salaries of the officers of the state government.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

Salaries of
state officers.

SECTION. 1. That the following sums of money or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the treasury belonging to the general revenue fund, for the payment of the salaries of the officers of the state government for the year one thousand eight hundred and seventy-two (1872).

First—For the salary of the governor, three thousand (3,000) dollars.

Second—For the salary of the secretary of state and superintendent of public printing, eighteen hundred (1,800) dollars.

Third—For the salary of auditor of state, fifteen hundred (1,500) dollars.

Fourth—For the salary of treasurer of state, one thousand (1,000) dollars.

Fifth—For the salary of the attorney-general, one thousand (1,000) dollars.

Sixth—For the salary of the adjutant-general, fifteen hundred (1,500) dollars.

Seventh—For the salary of the superintendent of public instruction, twenty-five hundred (2,500) dollars.

Eighth—For the salary of the land commissioner, one thousand (1,000) dollars.

Ninth—For the salary of the railroad commissioner, three thousand (3,000) dollars.

Tenth—For the salary of the state librarian, eight hundred (800) dollars.

Eleventh—For the salary of the janitor, eight hundred (800) dollars.

Twelfth—For the salaries of the night watchman and engineer, fifteen hundred (1,500) dollars.

Thirteenth—For the salary of the governor's private secretary, fifteen hundred (1,500) dollars.

Fourteenth—For the salary of the assistant secretary of state, one thousand (1,000) dollars.

Fifteenth—For the salary of Statistician, one thousand (1,000) dollars.

Sixteenth—For the salary of the chief clerk of the state auditor, fifteen hundred (1,500) dollars.

Seventeenth—For the salary of the deputy treasurer, one thousand (1,000) dollars.

Eighteenth—For the salary of the clerk of the land office, one thousand (1,000) dollars.

Nineteenth—For the salary of the clerk of the superintendent of public instruction, twelve hundred (1,200) dollars.

Twentieth—For the salary of the clerk of the attorney-general, two hundred (200) dollars.

Twenty-first—For the salary of the military store-keeper, two hundred (200) dollars.

Twenty-second—For the salaries of the judges of the supreme and district courts, and the judge of the court of common pleas, thirty-four thousand (34,000) dollars.

Twenty-third—For the salary of the clerk of the supreme court, eight hundred (800) dollars.

Twenty-fourth—For the salary of the reporter of the supreme court, six hundred (600) dollars.

SEC. 2. This act shall take effect and be in force from after its passage.

Approved February 28, 1872.

CHAPTER C.

March 2, 1872. *An Act to appropriate Money for the General Expenses of the State Government for the year Eighteen Hundred and Seventy-two.*

SECTION 1. Appropriation for the general expenses of the state government.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury belonging to the general revenue fund, not otherwise appropriated, for the general expenses of the state government for the year eighteen hundred and seventy-two (1872), hereinafter specified, viz:

Contingent
fund.

First. For executive contingent fund, for state purposes, and for incidental expenses of the governor's office, three thousand dollars, (\$3,000).

Second. For postage, stationery and other incidental expenses of the secretary of state's office, four hundred dollars, (\$400).

Third. For postage, stationery and other incidental expenses of the auditors' office, four hundred dollars, (\$400).

Fourth. For postage, stationery, and other incidental expenses of the treasurer's office, four hundred dollars, (\$400).

Fifth. For postage, stationery, and mileage and per diem of the attorney general in the prosecution of offenders, as allowed by law, one thousand dollars, (\$1000), and the further sum of one hundred dollars (\$100) for extra attorney's fees paid Amos Coggs well, Esq., in the prosecution and conviction of Ezra Beebe for robbery of the Waseca county bank at the February term of district court in 1871.

Sixth. For postage, stationery, and other incidental expenses of the superintendent of public instruction, five hundred dollars, (\$500).

Seventh. For postage, stationery and other incidental expenses of the railroad commissioner, one thousand dollars, (\$1,000).

Eighth. For postage, stationery, and other incidental expenses of the adjutant general, three hundred dollars, (\$300). Contingent fund.

Ninth. For postage, stationery and other incidental expenses of the state librarian, four hundred dollars, (\$400).

Tenth. For postage, stationery and other incidental expenses of the supreme court, five hundred dollars, (\$500.)

Eleventh. For printing and binding the reports of state officers, and executive documents, three thousand dollars, (\$3,000).

Twelfth. For incidental printing for the legislature, two thousand dollars, (\$2,000).

Thirteenth. For printing and binding the laws and journals, four thousand dollars (\$4,000). Printing fund.

Fourteenth. For printing the general laws in the several newspapers of the state, five thousand dollars (\$5,000).

Fifteenth. For printing, binding and advertising for the several state departments, four thousand dollars (\$4,000).

Sixteenth. For purchasing paper necessary for public printing, six thousand dollars (\$6,000).

Seventeenth. For preparing and indexing the laws and journals, six hundred dollars (\$600).

Eighteenth. For two hundred copies of volume seventeen supreme court reports, twelve hundred dollars (\$1,200). Law books.

Nineteenth. For the purchase of law books for state law library under the direction of the judges of the supreme court, eight hundred dollars (\$800).

Twentieth. For the pay of a marshal for the supreme court, two hundred dollars (\$200). Supreme court marshal.

Twenty-first. For the payment of interest on state loans, twenty-five thousand dollars (\$25,000). State loans.

Twenty-second. For the promotion of immigration to this state, to be expended under the direction of the board of immigration, five thousand dollars (\$5,000). Providing the appropriation of seven thousand (7,000) dollars for immigration does not become a law. Provided, that the sum of five hundred (500) dollars shall be paid to Joseph W. Prince, from the sum hereby appropriated for emigration purposes, for services heretofore rendered the state in aid of emigration. Immigration.

Twenty-third. For conveying convicts to prison and returning absconding criminals, three thousand dollars (\$3,000). Conveying convicts to state prison.

Twenty-fourth. For appraising, selecting and selling state lands, twenty-five hundred dollars (\$2,500). State lands.

Twenty-fifth. For the support of the Minnesota state historical society, twenty-five hundred dollars (\$2,500). Historical society.

Repairs to capitol. Twenty-sixth. For repairs of the state capitol and grounds three thousand dollars (\$3,000).

Twenty-seventh. For heating and lighting the legislative halls and the several state offices; three thousand dollars (\$3,000).

Express charges. Twenty-eighth. For express charges and the conveyance of funds by county treasurers, five hundred dollars (\$500).

State arsenal. Twenty-ninth. For rent of state arsenal, four hundred dollars, (\$400).

Rent of governor's house. Thirtieth. For rent of house for use of the governor, eight hundred dollars (\$800).

State equalization board. Thirty-first. For expenses incurred by the state board of equalization of eighteen hundred and seventy-one, one hundred dollars, (\$100).

Extra clerk hire. Thirty-second. For expenses incurred in extra clerk hire in auditor's office in compiling appendix to auditor's report to legislature of eighteen hundred and seventy-two, one hundred and twenty-five dollars (\$125).

Thirty-third. For pay of the clerk of the supreme court for services in administering oaths and giving official certificates in pension and bounty cases prescribed by the state claim agent, forty-five dollars (\$45).

State arms. Thirty-fourth. For storage and transportation of state arms, one hundred dollars (\$100).

War and land claims. Thirty-fifth. For the further prosecution of war and land claims at Washington, three hundred dollars (\$300).

Furniture representatives' hall. Thirty-sixth. For furniture for the representative hall ordered by the House, six hundred and thirty-three dollars (\$633).

State Library. Thirty-seventh. For carpet for state library, one hundred and ninety-four sixty one hundredths dollars (\$194.60).

Thirty-eighth. To Mrs. M. R. Smith for extra labor and amount paid for assistance in state library, during the year one thousand eight hundred and seventy-two, one hundred dollars (\$100).

Revised Statutes. Thirty-ninth. To Pioneer printing company for thirty copies of "revised statutes," one hundred and eighteen and fifty one-hundredths dollars, (\$118.50).

Fire-proof safe. Fortieth. For freight on safe for the surveyor-general's office for district number two, from Chicago to Minneapolis, fifty dollars (\$50).

Forty-first. For fire proof safe for the surveyor-general's office in district number one, three hundred dollars (\$300).

Furniture senate chamber. Forty-second. To John A. Stees for furniture for senate chamber, sixty dollars (\$60).

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1872.

CHAPTER CI.

*An Act to appropriate Money for Current Expenses, Salaries of Officers, and Deficiencies of the State Prison.*February 29,
1872.SECTION 1. Appropriation for expenses of the state prison.
3. When act to take effect.*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the following sums of money or as much thereof as may be necessary, for current expenses, salaries of officers, and deficiencies of the state prison, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated.

Current expenses and salaries

First—The sum of twenty thousand dollars (\$20,000) for current expenses, and twelve thousand dollars (\$12,000) for salaries of officers.

Second—The sum of twenty-three thousand four hundred and eighty-four 26-100 dollars (\$23,484.26) for the deficiency in construction of main building and cell, and the purchase of land. The same to be paid in warrants drawn by president and countersigned by clerk of board of inspectors of said institution. . And upon presentation of said warrants on the state auditor, it shall be his duty to draw warrants on the state treasurer for like amount, such money to be expended under the supervision and direction of the board of inspectors of the state prison.

Deficiencies.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CII.

March 1, 1872. *An Act to appropriate Money for the Support of Indigent Insane.*

- SECTION 1. Appropriation for expenses of the Minnesota hospital for insane.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Support of in-
sane.

SECTION 1. That the sum of seventy thousand dollars or so much thereof as may be necessary, is hereby appropriated for the current expenses of the Minnesota hospital for the insane, the same to be paid on warrants drawn by the president and countersigned by the secretary of the board of trustees of that institution, for the estimated expenses thereof, monthly in advance; that on the presentation of such warrants on the state auditor it shall be his duty to draw warrants on the state treasurer for like amounts; such money to be expended under the direction of the board of trustees of the Minnesota hospital for the insane.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CIII.

An Act to appropriate Money for the further Completion March 1, 1873.
of the Minnesota Hospital for Insane.

SECTION 1. Appropriation for completion of the Minnesota hospital for insane.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be expended in the further completion of the Minnesota Hospital for Insane; the same to be drawn on warrants drawn by the president and countersigned by the secretary of the board of trustees of that institution, and that on the presentation of such warrants to the state auditor, it shall be his duty to draw warrants on the state treasurer for like amounts, and such money to be expended under the direction of the board of trustees of the Minnesota Hospital for Insane. That no order shall be drawn on the state auditor nor shall the auditor draw his order on the state treasurer for any of the moneys herein appropriated until the vote shall be canvassed upon the proposition to be submitted to the people at the next annual election authorizing the legislature to extend the indebtedness of the state in the sum of \$250,000. If, upon such canvass, it shall be ascertained that such proposition has been approved by a vote of the people and such extension of indebtedness of the state authorized, then and in such case said warrants may be drawn in favor of parties to whom money appropriated for the purposes herein named may be due.

Completion of
insane hospital
contingent
upon state debt

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CIV.

March 1, 1872. *An Act to Amend an act entitled an Act to Appropriate Money for the Support of the Institute for the Deaf and Dumb, and Blind, approved March 1, 1870.*

SECTION 1. Annual appropriation for support of institute for deaf and dumb, and blind.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter one hundred and four of the general laws of 1870 be, and the same is hereby amended so as to read as follows:

Section 1. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of twenty thousand dollars annually commencing with the year 1872 for the support of the institute for the deaf and dumb, and blind of the state of Minnesota, the same to be expended under the direction of the board of directors; and the state auditor is hereby directed to draw warrants for said amount upon the certificates of the governor or president of the board of directors of said institute.

Support of deaf
and dumb and
blind.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CV.

*An Act to Appropriate Moneys for the Erection and
Furnishing of Shops for the use of the Minnesota State
Reform School.* February 27,
1872.

SECTION 1. Appropriation for the erection of shops for the reform school.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury, not otherwise appropriated for the erection and furnishing of shops for the use of the Minnesota State Reform School. Shops for re-
form school.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 27, 1872.

CHAPTER CVI.

*An Act to Appropriate Moneys for the Support of the
Minnesota State Reform School for the year one
thousand eight hundred and seventy-two, (1872).* January 24,
1872.

SECTION 1. Appropriation for the support of the Minnesota state reform school.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of twelve thousand (12,000) dollars, or so much thereof as may be necessary, be, and

Support of re-
form school.

the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the general current expenses of the Minnesota State Reform School for the year one thousand eight hundred and seventy-two, (1872).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1872.

CHAPTER CVII.

January 24,
1872.

An Act to Appropriate Money for the Maintenance and Education of the Soldiers' Orphans of this State.

SECTION 1. Appropriation for maintenance of soldiers' orphans.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Soldiers' or-
phans.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the maintenance and education of the soldiers' orphans of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Jan. 24, 1872.

CHAPTER CVIII.

An Act to Appropriate Money for the Support of the State Normal Schools. March 4, 1872.

- SECTION 1. Additional appropriation to first state normal school at Winona.
 2. Additional appropriation to second state normal school at Mankato.
 3. Additional appropriation to the third state normal school at St. Cloud.
 4. Warrants to be drawn by the state auditor for the foregoing appropriations.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for the year one thousand eight hundred and seventy-two, and additional to the sum now annually appropriated for the support of the first state normal school at Winona, the same to be paid on warrants drawn by the president of the state normal school board and countersigned by the secretary thereof.

First normal
school.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four thousand dollars for the year one thousand eight hundred and seventy-two, and additional to the sum now appropriated for the support of the second state normal school at Mankato, the same to be paid on warrants drawn by the president of the state normal school board and countersigned by the secretary thereof.

Second normal
school.

SEC. 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars for the year one thousand eight hundred and seventy-two, and additional to the sum now appropriated for the support of the third state normal school at St. Cloud, the same to be paid on warrants drawn by the president of the normal school board and countersigned by the secretary thereof.

Third normal
school.

SEC. 4. Upon the presentation of such warrants to the state auditor, he shall forthwith draw warrants on the state treasurer for the amount named in the warrants of said

Warrants to be drawn by the state auditor.

president and secretary not exceeding in all the said sum of five thousand dollars for said first state normal school and the said sum of four thousand dollars for said second state normal school, and the said sum of one thousand dollars for said third state normal school and the money drawn upon said warrants shall be expended under the direction of the state normal board of instruction, as provided by law and for the support of said state normal schools.

This act shall be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CIX.

February 27,
1872.

An Act to Appropriate Money to Pay Indebtedness of First State Normal School for Insurance.

SECTION 1. Appropriation to pay insurance on state normal school building at Wilmont.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation for insurance first normal school.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twelve hundred and eighty-two dollars and fifty cents, to be expended in paying indebtedness due on account of insurance on buildings, the same to be paid on warrants drawn by the president of state normal school board and countersigned by the secretary thereof.

Upon presentation of such warrants to the state auditor he shall forthwith draw warrants on the state treasury for the amount named in the warrants of the said president and secretary not exceeding in all the said sum of twelve hundred and eighty-two dollars and fifty cents, and the money

drawn upon said warrants shall be expended under the direction of said state normal school board in paying said indebtedness for insurance.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 1, 1872.

CHAPTER CX.

An Act Appropriating Money for Salary and Expenses of Railroad Commissioner of this State.

February 27,
1872.

SECTION 1. Appropriation for salary of railroad commissioner for 1871.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two thousand one hundred and sixty-six dollars and sixty-six cents be and the same is hereby appropriated out of any money in the treasury of the state, belonging to the revenue fund not otherwise appropriated, for the payment of salary and expenses of the railroad commissioner from June fifteenth, (15th) one thousand eight hundred and seventy-one, (1871,) to January first, (1st,) one thousand eight hundred and seventy-two, [1872].

Salary of rail-
road commis-
sioner.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 27, 1872.

CHAPTER CXI.

March 4, 1872. *An Act to appropriate Money for Certain Purposes therein named.*

SECTION 1. Appropriation from the general revenue fund for claims against the United States.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
to pay sundry
old war claims
against the
United States.

SECTION 1. That the following sums of money be and the same are hereby appropriated out of any money in the treasury belonging to the general revenue fund, not otherwise appropriated, viz:

First—For the claim of E. P. Evans against the United States, four hundred and nineteen dollars and ninety-six cents (\$419.96).

Second—For the claim of Jesse M. Thurston against the United States, thirteen dollars and ninety-two cents (\$13.92).

Third—For the claim of Jonathan T. Furber against the United States, twenty-one dollars (\$21.00).

Fourth—For the claim of Horace C. Capwell against the United States, sixty-three dollars and forty-three cents (\$63.43).

Fifth—For the claim of J. K. Mead against the United States, fifteen dollars and fifty four cents (\$15.54).

Sixth—For the claim of Joshua Burgys against the United States, ten dollars (\$10).

Seventh—For the claim of Joseph [Josiah] N. Cheeney against the United States, fourteen dollars and ninety-three cents (\$14.93).

Eighth—For the claim of Sumner Clark against the United States, forty-seven dollars and twenty-five cents (\$47.25).

Ninth—For the claim of W. J. Duly against the United States, eight dollars (\$8.00.)

Tenth—For the claim of Frank C. Nickerson against the United States, seven dollars (\$7.00).

Eleventh—For the claim of William D. Smith against

the United States, thirty-seven dollars and fifty cents (\$37,50).

Twelfth—For the claim of James P. Gail against the United States, fifteen dollars and eighteen cents [\$15,18].

Thirteenth—For the claim of William R. McMahon against the United States, thirty dollars (30,00).

Fourteenth—For the claim of William Wait against the United States, five dollars (\$5,00).

Fifteenth—For the claim of Eugene McNeal against the United States, sixteen dollars (\$16,00).

Sixteenth—For the claim of L. C. Harrington against the United States, twenty dollars (\$20,00).

Seventeenth—For the claim of S. Ferguson against the United States, sixteen dollars and twenty-five cents (\$16,25).

Eighteenth—For the claim of Sumner C. Clark against the United States, twenty-four dollars (\$24,00).

Appropriation
to pay sundry
old war claims
against the
United States.

Approved March 4, 1872.

CHAPTER CXII.

An Act to Appropriate Money to Defray the Expenses of arresting Certain Disorderly Indians.

February 29,
1872

SECTION 1. Appropriation for arresting disorderly Indians.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two hundred and forty-two (242) dollars and forty [40] cents be and the same is hereby appropriated out of any money in the general revenue fund not otherwise appropriated to pay the expenses of Captain H. M. Davis in arresting, holding in charge and conveying to St. Paul certain disorderly Indians in the month of December one thousand eight hundred and seventy-one (1871,)

Appropriation
to Capt. H. M.
Davis.

and January one thousand eight hundred and seventy-two (1872) under the authority of the governor; the same to be paid on vouchers approved by the governor, and the auditor of state shall draw warrant[s] on the state treasurer for the amounts so approved.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER CXIII.

February 29,
1873.

An Act to Reimburse the City of Duluth for Expenses incurred in Suits to Enjoin the Construction of the Canal across Minnesota Point.

SECTION 1. Appropriation to reimburse the city of Duluth for expenses in defending suits to enjoin the construction of a canal across Minnesota Point.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
to the city of
Duluth.

SECTION 1. That the sum of five thousand dollars be, and the same is hereby appropriated out of any money in the treasury of the state, not otherwise appropriated, to reimburse the city of Duluth the amount of expenses incurred in defending the suit commenced at the instance of the state of Wisconsin in the circuit court of the United States against said city of Duluth to enjoin and prevent the construction of the canal across Minnesota Point authorized by act of the legislature of this state to be constructed and that the state auditor draw his warrant on the state treasurer in favor of the city of Duluth for said amount.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER CXIV.

*An Act to make a Contribution towards the Completion
of the Washington National Monument.*February 27,
1872.

SECTION 1. Appropriation to the Washington national monument.

2. The governor to transmit copy of act to other states.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The sum of one thousand dollars is hereby appropriated, as the contribution of the state of Minnesota, to be paid by the treasurer, on the warrant of the auditor, to the treasurer of the Washington national monument society, whenever the governor shall certify that he is satisfied a sufficient sum has been subscribed from other sources to enable said society to resume work with a reasonable prospect of completing the obelisk or shaft.

Appropriation
to the national
monument.

SEC. 2. A copy of the foregoing shall be transmitted by the governor to the governors of the other states of the Union, with a request that they communicate the same to the legislatures of their respective states.

Approved Feb. 27, 1872.

CHAPTER CXV.

March 4 1872. *An Act to Appropriate Money to Julia Brown, Robert Travis, Ira Myrick, and Cyrus Myrick.*

SECTION 1. Appropriations to certain parties for boarding soldiers.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
to sundry per-
sons for board-
ing soldiers.

SECTION 1. The following sums of money be and the same are hereby appropriated out of any money in the treasury beionging to the general revenue fund not otherwise appropaiated.

First—To Julia Brown administratrix of the estate of Joseph Brown deceased, for boarding and taking care of soldiers while sick at Big Lake in Sherburne county, in the year A. D. 1864, three hundred dollars.

Second—To Ira Myrick for boarding soldiers at Le Sueur in 1862, two hundred and four dollars.

Third—To Robert Travis for boarding soldiers at Le Sueur in 1862, fifty-six dollars.

Fourth—To Cyrus Myrick for boarding soldiers at Le Sueur in 1862, seventeen dollars and fifty-four cents.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CXVI.

*An Act to Reimburse the County of Pope for the Expenses
of the Trial and Conviction of Charles Bailey.*February 20,
1872.

- SECTION 1. Appropriation to Pope county for expenses incurred.
2. The state auditor authorized to draw a warrant for the amount.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of five hundred and eighty-six dollars and thirty cents, be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, to reimburse the county of Pope for the expense of the trial and conviction of Charles Bailey for the shooting of John M. Joy.

Appropriation
to Pope county.

SEC. 2. That the state auditor draw a warrant on the state treasurer in favor of the county of Pope for said amount and transmit the same by mail or otherwise to the treasurer of Pope county, who shall draw the money and place the same to the county revenue fund.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved Feb. 20, 1872.

CHAPTER CXVII.

February 29.
1872.

An Act to Reimburse Floyd Smith, of Faribault County, for Expenses and Damages arising from an Arrest upon the Requisition of the Governor of Wisconsin and taken to Wisconsin for Trial.

- SECTION 1. Appropriation to reimburse Floyd Smith, of Faribault county.
 2 Governor to appoint two persons as a committee to audit the accounts.
 3. State auditor authorized to draw warrants in favor of said committee.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
to pay expense
of Floyd Smith

SECTION. 1. That the sum of sixteen hundred dollars, or so much thereof as may be found necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated to reimburse Floyd Smith, of Faribault county and pay the expenses of trial, conviction and procuring release from the Wisconsin state prison arising from a malicious arrest upon a requisition from the governor of Wisconsin.

SEC. 2. The governor shall appoint two suitable and disinterested persons of said county of Faribault to receive all bills, vouchers or claims for such expenses or reimbursements incurred. Such demands shall be audited by said committee and they shall report the aggregate amount allowed and approved under their hands to the auditor of the state.

SEC. 3. The state auditor upon the receipt of such report shall draw a warrant upon the state treasurer in favor of said committee who shall disburse the money in exact accordance with the bills and claims audited and approved by them.

When act takes
effect.

SEC. 4. This act shall take effect and be in force from and after its approval.

Approved Feb. 29, 1872.

CHAPTER CXVIII.

An Act to amend Chapter Eleven of the General Statutes relating to Taxes. March 1, 1872.

SECTION 1. Amendment to section 16 of chapter 12 of the general statutes.

2. Amendment to section 29 of the same chapter.

3. " " 30 " "

4. " " 31 " "

5. " " 32 " "

6. " " 35 " "

7. " " 43 " "

8. New section added, creating a town board of equalization.

9. Copies of equalization to be filed in the office of the town clerk

10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section twenty-six of chapter eleven is hereby amended by striking out the word "county" in the twenty-third line of section twenty-six and insert in place thereof the word "town."

Sec. 2. Section twenty-nine of said chapter eleven is hereby amended by striking out the words "first Monday in August" in first and second lines in said section twenty-nine and insert in the place thereof the words "second Monday in July," also said section twenty-nine is hereby amended by striking out the words "auditor of his county" in second line of section twenty-nine and insert in place thereof the words "clerk of his township."

Amending
section 29.

Sec. 3. Section thirty of said chapter eleven is hereby amended by striking out the words "county auditor" in the second line, and the word "auditor" in the fifth line of said section thirty and in each place thereof insert the words "town clerk."

Amending
section 30.

Sec. 4. Section thirty-one of said chapter eleven is hereby amended by striking out the words "county auditor" in the ninth and the twenty-third lines of said section thirty-one and insert in each place thereof "town clerk."

Amending
section 31.

Sec. 5. Section thirty-two of said chapter eleven is hereby amended by striking out the words "county auditor" in

Amending
section 32.

the fourth line of section thirty-two and insert in place thereof the words "town clerk."

Amending
section 35.

SEC. 6. Section thirty-five of chapter eleven is hereby amended by striking out the word "assessor" in the first line of said section thirty-five and insert in the place thereof the words "town board of equalization," also by striking out the word "his" in the third line of said section thirty-five and insert in the place thereof [the word] "the," also by striking out the word "him" in the fourth line of said section thirty-five and insert in the place thereof the word "them," also by striking out the word "his" in the sixth line of said section thirty-five, and insert in the place thereof the word "their," also by striking out the word "assessor" in the last line of first division of section thirty-five, and insert in the place thereof the words "said board."

Amending
section 48.

SEC. 7. Section forty-three of chapter eleven is hereby amended by striking out the words "him on or before the first Monday of August" in the sixth and seventh lines of said section forty-three and insert in the place thereof the words "town clerk of his township on or before the third Monday of July."

SEC. 8. Said chapter eleven is hereby amended by adding the following section.

Town board of
equalization.

SEC. 159. The town clerk, township assessor and supervisors of the township or the council in incorporated villages or a majority of them shall form a town board for the equalization of the real and personal property of their township. They shall meet on the second Monday of July, annually, and on such other days between that day and the third Monday in July ensuing, as may be necessary or convenient at the usual place of holding elections in their several townships, when the town clerk shall lay before them; the returns of the real and personal property made by the assessor of such township, and having each taken an oath fairly and impartially to equalize the value of the real and personal property of such township agreeably to the provisions of this chapter, they shall immediately proceed to examine, ascertain and see that all taxable property in their township has been properly placed upon the list and duly returned by the assessor, and in case the assessor by inadvertence or otherwise shall have omitted to place upon the list or make return any property real or personal that should have been listed by him, it shall be the duty of said board to place the same upon the list, with the true value thereof and proceed to equalize the valuation so that each tract or lot of real property, and each article, parcel or class

of personal property shall be entered on the tax list at the true and full value, and for this purpose they shall possess the power and authority, and be governed by the following rules :

First—When said board are satisfied that the list and statement of the assessor so returned does not contain a full and complete list and statement of all the property both real and personal, including all monies, credits, investments in bonds, stocks, joint-stock companies or otherwise, it shall be the duty of said board to place all such taxable property omitted by the assessor with its true cash value upon such list and for the purpose of inquiring into such omissions of the assessor and ascertaining the true value of the property placed upon the list and statement of the assessor, said town board shall have as full power as a justice of the peace for to issue subpoenas for witnesses, compel their attendance before said board and to examining [examine] such witnesses upon oath touching the ownership, title or valuation of any and all property within their respective township required to be listed by the laws of this state, and all such examinations shall be reduced to writing and signed by the person examined, and filed and kept in the office of the town clerk.

Power to take evidence.

Second—They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and full value to such price or sum as they believe to be the true and full value thereof, agreeable to the rules prescribed by this chapter for the valuation thereof.

May raise valuation of real estate, when.

Third—They shall reduce the valuation of each tract or lot of real property which in their opinion is returned above its true and full value to such price or sum as they believe to be the true and full value thereof, agreeable to the rules prescribed in this chapter for the valuation thereof.

May reduce valuation of real estate, when.

Fourth—They shall raise the valuation of each class of personal property enumerated in section seven of said chapter eleven, which in their opinion is returned below its true and full value to such price or sum as they believe to be the true and full value thereof, and they shall raise the aggregate valuation of the personal property of each individual whenever they believe that such aggregate valuation is less than the true value of the taxable personal property possessed by such individual to such sum or amount as they believe was the true and full value thereof, agreeable to the rules prescribed by this chapter for the valuation thereof.

May raise valuation of personal property, when.

Fifth—They shall upon application of any party aggrieved, reduce the valuation of each class of personal property enumerated in section seven of chapter eleven aforesaid,

May reduce valuation of personal property, when.

which in their opinion is returned above its true and full value to such price or sum as they believe to be the true and full value thereof, and upon like application they shall reduce the aggregate valuation of the personal property of each individual, who in their opinion has been assessed at too large a sum, to such a sum or amount as they believe was the true and full value of his said personal property.

Values not to be reduced below the aggregate value returned by assessor.

Sixth—They shall not reduce the aggregate value of real property, or the aggregate value of the personal property of their township below the aggregate value thereof as returned by the assessor, but they may raise the aggregate valuation of such real property and of each class of personal property of said township whenever they believe the same is below the true and full value of said property to such aggregate amount as they believe to be the true and full value thereof, under the rules of chapter eleven as amended.

Town clerk to keep journal of proceedings

Seventh—The town clerk shall keep an accurate journal or record of the proceedings and orders of said town board of equalization, and when any change is made by said board in the list or valuation of the personal property of any person who has given in his list to the assessor, under oath, a statement of the facts upon which such change was made shall be entered upon the journal of the board.

Return to be made to county auditor.

Eighth—When the town board of equalization complete their equalization of the real and personal property of the township, and on or before the first Monday of August ensuing, said board shall transmit to the county auditor of their respective counties a true and correct copy of the list and statement of all property both real and personal of the township so listed and assessed by the assessor as corrected and equalized by said board as aforesaid, and to which a quorum of the members of said board shall subscribe to an affidavit and certificate attached thereto, in substance as follows:

State of Minnesota,
County of

The undersigned members of the town board of equalization of the township of _____ and county of _____ and state of Minnesota, having been first duly sworn, doth each depose and certify that the above is a true, full and correct list and statement of all the real and personal property subject to taxation by the laws of this state, in the township of _____ in the county of _____ including all moneys, credits, investments in bonds, stocks, joint stock companies or otherwise required to be listed, together with the true, full and

just valuation thereof, made in accordance to the laws of this state, to the best of his knowledge, information and belief.

SEC. 9. It shall be the duty of said town board of equalization to cause a true copy of such list and statement so transmitted to the county auditor of their respective counties to be filed and kept in the office of the town clerk for future reference.

Copy of return
to be filed with
town clerk.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CXIX.

March 1, 1872. *An Act to amend Section Seven (7) of Chapter Eleven (11) of the General Statutes of the State of Minnesota relating to Taxes.*

- SECTION 1. Amendment to section 7 of chapter 11 of the general statutes, relating to listing personal property.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section seven (7) of chapter eleven (11) of the general statutes be and the same is hereby amended so as to read as follows:

Section 7. Such statement shall truly and distinctly set forth:

What the personal list shall contain.

First. The number of horses, together with their respective ages.

Second. The number of meat cattle and their ages.

Third. The number of mules and asses and their ages.

Fourth. The number of sheep.

Fifth. The number of hogs.

Sixth. Every pleasure carriage of whatever kind.

Seventh. Every watch.

Eighth. Every piano forte.

Ninth. The total value of all other articles of personal property which such person is by this chapter required to list.

Tenth. The value of the goods and merchandise which such person is required to list as a merchant.

Eleventh. The value of the materials and manufactured articles which such person is required to list as a manufacturer.

Twelfth. The value of credits required to be listed including all balances of book accounts.

Thirteenth. The value of the moneys invested in bonds, stocks, joint stock companies or otherwise, which such person is by this chapter required to list.

Fourteenth. Money required to be listed.

And the assessor shall appraise and determine the actual cash value of said property and for that purpose may require an exhibit in all cases when same is practicable and shall examine the person listing said property on oath in relation thereto.

Assessor to determine cash value.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.



A P P E N D I X .

**APPENDIX—CONSISTING OF JOINT RESOLUTIONS AND
THE ANNUAL REPORT OF THE TREASURER OF STATE.**

JOINT RESOLUTIONS

PASSED AND APPROVED AT THE FOURTEENTH SESSION OF THE
STATE LEGISLATURE, COMMENCING JANUARY SECOND, ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AND TERMINATING
MARCH FIRST, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

NUMBER I.

*A Joint Resolution to Congress asking an Appropriation
for the Construction of a Ship Canal around the Falls
of Niagara, on the American side.*

February 26,
1872.

WHEREAS, The agricultural products of this state—indeed of the entire west—will be increased in value in our own markets in proportion to the reduction of their cost of transportation to the eastern and European markets; and

WHEREAS, That cost can only be reduced by the opening up of new and competing water and other routes between the valley of the Mississippi and the Atlantic Ocean through the great water channels of the continent; and

WHEREAS, The obstruction between lakes Erie and Ontario is the most formidable—indeed the only formidable barrier to continuous navigation on the northern or lake route; and

WHEREAS, That route has always been regarded, both by

our own Government, as also by France and England in colonial times, as a public national highway, by water, to the interior of the continent; therefore,

Be it resolved by the Legislature of the State of Minnesota:

Relating to the
construction of
a ship canal
around Niagara
Falls.

That Congress be requested to make an appropriation at its present session, adequate to work, for the construction of a canal of the maximum capacity of the lakes, around the Falls of Niagara on the American side, and that such works may be completed as speedily as can be done consistent with the best interests of the whole country.

Resolved further, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress at as early a day as practicable.

Approved February 26, 1872.

NUMBER II.

February 26,
1872.

A Joint Resolution to Congress asking the Completion of the Water Route from the Mississippi Valley by the way of the Wisconsin and Fox Rivers, to Lake Michigan, and another by the way of Lake Superior, by the Enlargement and Deepening of the Canal at the Outlet of that Lake.

WHEREAS, To ensure the continued development and consequent prosperity of this state as also of the entire north-west, a system of cheaper transportation than now or ever can exist with the present means and facilities furnished by railroads and the limited and imperfect system of water transit must be opened up between her vast and fer-

tile grain fields and the eastern and European markets ;
and

WHEREAS, It is a maxim in political economy, as well as in commercial law and practice, that to cheapen the cost of transport of the heavy, and bulky products of an agricultural country, (such as ours) on any part of the route over long distances, operates to reduce the cost thereof, on the entire route, whereby the remotest portions of the country as well as the nearest are equally benefitted thereby ; and

Preamble.

WHEREAS, Congress acting upon this correct and highly important principle has inaugurated a system of cheap transportation by taking measure to open up a water route from the Mississippi valley by the way of the Wisconsin and Fox rivers to Lake Michigan, and another by the way of Lake Superior, by the enlargement and deepening of the canal at the outlet of that lake, whereby the advantages of cheap and continuous water transportation for our cereals and other agricultural products to the markets of the world is intended to be brought the nearest possible to our borders, whereby, also, wheat especially can be raised with a fair margin of profit to the producer upon the unbounded and almost unbroken plains and valleys of our own state and the region beyond ; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That congress be requested to complete the improvements which it has already commenced as speedily as can possibly be done consistent with the best interests of the whole country.

Resolved further, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress at as early a day as practicable.

Relating to a water communication between Lake Michigan and the Mississippi river.

Approved February 26, 1872.

NUMBER III.

March 1, 1872. *A Joint Resolution relating to Securities in which the Trust Funds of this State may be invested.*

Be it resolved by the Legislature of the State of Minnesota:

Missouri state bonds included among the securities in which trust funds may be invested.

That the six per cent. state bonds of the state of Missouri are hereby added to the securities in which the trust funds of this state are authorized to be invested.

Approved March 1, 1872.

NUMBER IV.

March 1, 1872. *A Joint Resolution to secure the Cession of the Chippewa Reservation at the Mouth of Pigeon River on the Northern Boundary of the State to the United States, and the Opening up of the same for Occupancy and Settlement.*

WHEREAS, The Indian reservation near the mouth of the Pigeon river, on the northern boundary of this state, reserved to the Chippewa Indians, by treaty with said Indians, contains the best and only safe and natural harbors on Lake Superior, near the northern boundary of our state; and

WHEREAS, Such harbors are absolutely required by the developing commerce and mineral interests of that section of our state; and

WHEREAS, But few Indians are residing upon or can be induced to reside upon said reservation; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress, be requested to use all honorable means in their power, with the executive of the United States, and the several departments thereof having the same in charge, to cause said reservation to be surrendered and the Indians removed therefrom to some more proper and equally suitable reservation elsewhere.

Application to
have Indians
removed from
Pigeon river
reservation.

Resolved, That the secretary of state forward a copy of the foregoing "Joint Resolution," and of a memorial on that subject to each of our senators and representatives in congress.

Approved March 1, 1872.

NUMBER V.

A Joint Resolution asking the State of Wisconsin to indemnify the State of Minnesota for moneys appropriated in aid of Floyd Smith.

March 2, 1872.

WHEREAS, On the fifth day of January 1871, a requisition was issued by the governor of the state of Wisconsin upon the governor of the state of Minnesota, for the arrest and extradition of Floyd Smith, of Faribault county, Minnesota, upon the charge of stealing a horse from one Moses Clemens, of Oconomowoc, in the state of Wisconsin, in December, 1869; and

[WHEREAS, Said Smith was arrested and conveyed to the State of Wisconsin for trial, pursuant to said requisition, was tried, indicted, convicted of the alleged offence by reason of false or mistaken evidence produced against him by the prosecution, and was sentenced to the Wisconsin state prison for two years, and was taken to said prison and there confined as a common felon for several weeks; and]

Preamble.

WHEREAS, an application was then made to the governor of Wisconsin for the pardon of said Smith and an investigation ordered by him into the merits of the case, which investigation resulted in proving conclusively and beyond all doubt that the said Smith was innocent of the offence charged or of any offence or color of criminality in the premises, and was immediately and unconditionally pardoned by said governor; and

WHEREAS, The said arrest, trial and conviction of said Smith resulted in a loss to him of about three thousand dollars, which has left him with no property—involved in debt to the extent of several hundred dollars, and with the support of a large family to provide for, (he being a poor man at the time of his arrest); and

WHEREAS, The legislature of the state of Minnesota, in view of the foregoing facts, has appropriated the said sum of sixteen hundred dollars (\$1,600) to indemnify the said Smith for his losses incurred in the case; Now therefore,

Be it resolved by the Legislature of the State of Minnesota:

Application to
the state of
Wisconsin for
reimbursement
of moneys paid
to Floyd Smith

That the legislature of the state of Wisconsin be and they are hereby petitioned and invited, as a matter of manifest justice, to make provision by law to indemnify the state of Minnesota in the sum so appropriated to said Floyd Smith, and that the governor of Minnesota be requested to present these resolutions to the governor of Wisconsin and ask him to lay them before the legislature of that state and invite their attention thereto.

Approved March 2, 1872.

NUMBER VI.

A Joint Resolution Requesting the Congress of the United States to Vacate that Portion of the Military Reservation at Fort Ripley, Minnesota, which lies East of the Mississippi River, and to open the same to Settlement and Occupation under the Homestead and Pre-emption Laws.

February 8,
1872.

WHEREAS, That portion of the Fort Ripley military reservation in the state of Minnesota, lying east of the Mississippi river, is not needed for military purposes, and contains an extensive tract of good farming lands, which if opened to settlement, would be soon taken up by actual settlers; and

WHEREAS, The extension of the branch line of the St. Paul and Pacific railroad to a junction with the Northern Pacific railroad at Brainard is already nearly graded across said reservation; and

WHEREAS, The officer of the United States army, in command at Fort Ripley, denies the right of way to said railroad across said reservation, and has of late issued an order forbidding contractors delivering ties, piling and bridge timber along the line of said railroad, and forbidding building the camps necessary for the convenience of their workmen, thereby subjecting said contractors to great damage by compelling them to suspend their work; and

WHEREAS, This order if not reversed, will defeat the building of said railroad, and greatly retard the settlement of that section of country. Now, therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress be requested to use their efforts in behalf of legislation which will restore so much of the military reservation at Fort Ripley as is situated on the east side of the Mississippi river to the body of public lands for settlement like other public lands of the United States, and to secure an equitable adjustment of all rights and claims growing out of the sale of said lands by the war department in 1857.

To vacate military reservation at Fort Ripley, east of the Mississippi river.

Approved February 3, 1872.

NUMBER VII.

February 10,
1872.

*A Joint Resolution Asking a Modification of the Law
Granting Bounties under the U. S. Supreme Court
Decision of March 14, 1870.*

WHEREAS, Under the decision of the supreme court of the United States of March 14, 1870, soldiers who enlisted for three years under the first call of the President, and honorably discharged prior to the expiration of their term of enlistment, are declared entitled to one hundred dollars bounty, the same as though said term of enlistment had been completed; and

WHEREAS, The accounting officers of the general government being unable to determine to what regiments said decision applies, eighty-two regiments having been accepted, instead of forty, the number authorized by the President; and

WHEREAS, The government having accepted and mustered said eighty-two regiments into the service with the implied understanding that the benefits of the law authorizing their acceptance was applicable alike to all; and

WHEREAS, Additional legislation on the part of congress is deemed necessary by the proper accounting officers of the government, to enable a compliance on their part with the terms of the decision aforesaid; therefore,

Be it resolved by the Legislature of the State of Minnesota:

Asking modification of law granting bounties.

That our senators and representatives in congress be respectfully requested to use all honorable means to secure such legislation as will obviate the difficulties heretofore mentioned.

Approved Feb. 10, 1872.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE, }
St. Paul, May 23d, 1872.

Certificate.

I hereby certify that the foregoing laws and joint resolutions have been carefully compared with the originals on file in this office, and that the same are true and correct copies thereof.

S. P. JENNISON,
Secretary of State.

TREASURER'S REPORT.

STATE OF MINNESOTA,
TREASURER'S OFFICE,
ST. PAUL, Dec. 1st., 1871. }

To the Honorable Senate and House of Representatives :

Treasurer's
Report.

GENTLEMEN:—In obedience to the requirements of law, I have the honor to submit my annual report of the transactions of this office for the fiscal year ending November 30th, 1871.

The receipts were as follows :

Receipts.	For Revenue Fund, ...	\$ 330,947 37
	For State Institutions Fund, ...	156,047 05
	For Interest Fund, ...	20,782 03
	For Sinking Fund, ...	22,282 03
	For General School Fund, ...	148,584 77
	For Permanent School Fund, ...	54,963 74
	For United States War Fund, ...	40 14
	For General University Fund, ...	26,826 99
	For Permanent University Fund, ...	2,146 55
	For Internal Improvement Fund, ...	14,801 87

Total, ...	\$776,972 54
Balance in Treasury Dec. 1st, '70,	136,164 00

Grand Total, ...	\$913,136 54	\$913,136 54
------------------------	--------------	--------------

The disbursements were as follows :

Disbursements	From Revenue Fund, ...	\$325,287 26
	For State Institutions Fund, ...	134,463 24
	From Interest Fund, ...	15,750 00
	From General School Fund, ...	165,207 85
	From Apportioned School Fund, ...	1,112 82
	From Permanent School Fund, ...	47,500 00
	From General University Fund, ...	17,500 00
	From Internal Improvement Fund, ...	11,787 50

Total, ...	\$718,608 67	\$718,608 67
------------------	--------------	--------------

Leaving a balance in Treasury Dec. 1st, 1871,	\$194,527 87
---	--------------

Belonging to the funds as follows :

APPENDIX.

211

Revenue Fund,	-	-	-	\$ 6,673 28	
State Institutions Fund,	-	-	-	32,858 54	
Interest Fund,	-	-	-	5,032 03	
Sinking Fund,	-	-	-	59,497 64	
General School Fund,	-	-	-	7,228 16	
Permanent School Fund,	-	-	-	58,962 75	
General University Fund,	-	-	-	15,702 60	
Permanent University Fund,	-	-	-	5,451 94	
Internal Improvement Fund,	-	-	-	3,014 37	
School Apportionments,	-	-	-	106 56	
Total,	-	-	-	\$194,527 87	\$194,527 87

REVENUE FUND.

Receipts.

From County Treasurers, see state- ment A,	-	-	\$286,494 87	Revenue fund.
From miscellaneous sources, see statement B,	-	-	44,002 50	
From transfer United States War Fund,	-	-	40 14	
Balance in Treasury, Dec. 1st, 1870,	-	-	1,423 03	
Total,	-	-	\$331,960 54	\$331,960 54

Disbursements.

Paid State Auditor's warrants,	\$325,191 26	
Paid Wolf bounties,	96 00	
Total,	\$325,287 26	\$25,287 26

Leaving balance in Revenue Fund, Dec. 1st, '71, \$ 6,673 28

As no collections can probably be expected for this fund before April 1st, 1872, and the current expenses of the State Government for the four months intervening, together with the expenditures for the Legislature, may be safely estimated at one hundred thousand dollars, it will be seen that the above small balance will be totally inadequate to meet the obligations necessarily to be incurred by the State during that period for the purposes mentioned. I would therefore recommend that a temporary loan from the sinking fund, and other funds, be authorized, to bridge over the prospective deficiency.

STATE INSTITUTIONS FUND.

Receipts.

State institutions fund.	From the county Treasurers, see statement A, - -	\$ 82,010 73	
	From miscellaneous sources, see statement B, - -	74,036 32	
	Balance in Treasury, Dec. 1st, 1870, - -	11,274 73	
	Total, - - - -	<u>\$167,231 78</u>	\$167,231 78

Disbursements.

Paid State Auditor's warrants, - -	<u>134,463 24</u>
Leaving balance in Fund Dec. 1st, 1871, -	<u>\$32,896 54</u>

INTEREST FUND.

Receipts.

From County Treasurers, see statement A,	\$ 20,782 03
--	--------------

Disbursements.

Interest fund.	Paid interest on Minnesota war loan, due May 1st, and Nov. 1st, 1871. - - -	\$ 7,000 00	
	Paid interest on Minnesota 7 per cent, loan of 1867, due July 1st, 1871, - - -	3,500 00	
	Paid interest on Minn. 7 per cent. loan of 1868, due July 1st, 1871, - - -	3,500 00	
	Paid interest on Minnesota 7 per cent. loan of 1869, due July 1st, 1871, - - -	1,750 00	
	Total, - - - -	<u>\$ 15,750 00</u>	\$15,750 60

Leaving a balance in Interest Fund,
 Dec. 1st, 1871, - - - \$ 5,032 03
 Which will not be adequate to meet the interest coming due on Minnesota loans, being \$8,750 00. The difference will have to be borrowed for the time being, from some of the other funds, until the collections can again be made for the Interest Fund.

SINKING FUND.

Receipts.

From County Treasurers, see statement A,	-	-	\$20,782 08	Sinking fund
From miscellaneous sources, see statement B,	-	-	1,500 00	
Balance in Treasury Dec. 1st, '70,			37,215 61	

Total, - - - \$ 59,497 64 \$ 59,497 64

The Sinking Fund holds twenty-five thousand dollars U. S. six per cent currency bonds, and fifteen thousand dollars Minnesota Railroad bonds.

The above amount, together with the collections for the next year, and the amount to be realized from the sale of the twenty-five thousand currency bonds, ought to be sufficient to cancel the Minnesota war loan maturing in 1872, amounting to one hundred thousand dollars. The bonds of this loan are now held by the Permanent School Fund, and I would respectfully suggest that the School Fund commissioners be authorized, whenever the state of the treasury will permit, from time to time, to transfer the accumulations of the Sinking Fund to the Permanent School Fund, as far as may be necessary, and to cancel therefor an equal amount of the Minnesota war loan bonds until all are canceled.

Upon a similar recommendation, a bill to that effect passed the House of Representatives last winter, but failed to become a law, not having reached the Senate in time, and no such disposition could be made during the year.

GENERAL SCHOOL FUND.

Receipts.

From County Treasurers, see statement A,	-	-	\$106,829 83	General school fund.
From miscellaneous sources, see statement B,	-	-	41,754 94	
Balance in Treasury, Dec. 1, 1870,			23,851 24	

Total, - - - \$172,436 01 \$172,436 01

Disbursements.

Paid March apportionment,	-	\$37,384 08	
Paid October apportionment,	-	126,171 27	
Paid interest, exchange and commission on \$50,000 Missouri State bonds, purchased for Permanent School Fund,		1,652 50	
Total,	-	-	165,207 85 \$165,207 85

Leaving balance in General School Fund, Dec. 1st, 1871, - - - \$7,228 16

It will be observed by comparing the above with my last year's report, that the apportionment this year was \$163,555.35 against \$176,806.85 apportioned last year, an apparent falling off this year of \$13,251.50 from the amount apportioned last year, when in fact there is and should be an increase. It should be remembered in making this comparison, that previous to last year, the time fixed by law for making the two annual school apportionments was on the first Monday of February and August, while during the session of 1870 it was changed to the first Monday of March and October. In that way the heavy returns from counties in August and September were added to the apportionment of last year, or in other words, that year counted from August, 1869, to October, 1870, while the returns for this year included only the returns from October, 1870, to October, 1871. The amount received during these two months in 1870, was \$23,286.15, over ten thousand dollars more than the above difference.

PERMANENT SCHOOL FUND.

Receipts.

Permanent school fund.	From County Treasurers, see statement A, - - -	\$35,572 19	
	From miscellaneous sources, see statement B, - - -	19,391 55	
	Balance in Treasury, Dec. 1, 1870,	51,499 01	
	Total, - - -	106,462 75	\$106,462 75

Disbursements.

Paid for \$50,000 Missouri State bonds, -	\$47,500 00
Leaving balance in Treasury, Dec. 1st, 1871,	\$58,962 75

As no satisfactory investment could be made in 1870, in any of the State bonds then authorized by law, the School Fund Commissioners, in their last annual report, asked for authority to invest the accumulations and the proceeds to arise from the proposed sale of the U. S. 5-20 bonds held by the School Fund, in Missouri State bonds. A bill to that effect was prepared and passed the House of Representatives, but failed to become a law, not having reached the Senate in time. The commissioners then deemed best to await the result of the election in regard to the adoption of the constitutional amendment authorizing an additional issue of Minnesota State bonds, such investment being considered the safest and most profitable for the Fund. That amendment failing to meet popular support, the commissioners then decided, notwithstanding no full authority was given to that effect by law, to invest at least a portion of the fund in Missouri State bonds, and to await the action of the legislature in regard to future investment, and the sale of the \$77,800 U. S. 5-20 bonds. The above \$50,000 was then invested,

A large amount of premiums could have been saved to the fund, had that authority been given at the last session, and I would therefore again recommend that a resolution be promptly passed, authorizing such sale and investment, and sanctioning the above action of the commissioners. Permanent school fund.

The \$100,000 Minnesota war loan bonds held by the School Fund will mature in 1872, and the necessary steps should be taken for their transfer and cancellation.

The following is a statement of the securities held by the Permanent School Fund :

	Par Value.
Minn. war loan bonds, loan 1862, interest May and November, 7 per cent. currency, -	\$100,000 00
Minn. 7 per cent. bonds, loan of 1867, interest January and July, 7 per cent. currency, -	100,000 00
Minn. 7 per cent. bonds, loan of 1868, interest January and July, 7 per cent. currency, -	100,000 00
Minn. 7 per cent. bonds, loan of 1869, interest January and July, 7 per cent. currency, -	50,000 00
U. S. 6 per cent. bonds of '81, interest January and July, 6 per cent. Gold registered bond, -	10,000 00
U. S. 5 ²⁰ / ₁₀₀ bonds, interest January and July, 6 per cent. gold. Registered bonds. -	77,800 00
U. S. 6 per cent. currency bonds, interest January and July, 6 per cent. currency. Registered bonds, -	330,000 00
Missouri State bonds, interest January and July, 7 per cent. currency, -	50,000 00
Total, - - - - -	\$817,800 00

U. S. WAR FUND.

Receipts.

From County Treasurers, see statement A, -	\$40 14	U. S. war fund.
Transferred to Revenue Fund, November 30th, 1871, - - - - -	40 14	

GENERAL UNIVERSITY FUND.

Receipts.

From County Treasurers, see statement A, - - -	\$ 7,257 27	General university fund.
From miscellaneous sources, see statement B, - - -	19,569 72	
Balance in Treasury, Dec. 1, 1870, - - -	6,375 61	
	\$33,202 60	\$33,202 60

Disbursements.

Paid State Auditor's warrants, - -	\$17,500 00
Leaving balance in General University Fund, Dec. 1st, 1871, - - - -	15,702 60

PERMANENT UNIVERSITY FUND.

Permanent
university fund*Receipts.*

From County Treasurers, see statement A,	\$2,146 55
Balance in Treasury, Dec. 1st, 1870, -	3,305 39
Total, - - - -	\$5,451 94

INTERNAL IMPROVEMENT FUND.

Internal im-
provement
fund.*Receipts.*

From miscellaneous sources, see statement B,	\$14,801 87
--	-------------

Disbursements.

Paid State Auditor's warrants, - -	11,787 50
Leaving balance in fund, Dec. 1st, 1871,	\$3,015 37

RAILROAD TAXES.

The receipts from Railroads in lieu of taxes for the fiscal year just closed, were as follows :

Railroad taxes,

From Winona and St. Peter Railroad, 2 per cent. on gross earnings, - - -	\$10,256 32
From Milwaukee and St. Paul Railway, 2 per cent. on gross earnings, - - -	21,019 37
From St. Paul and Pacific Railroad, 2 per cent. on gross earnings, - - -	9,549 30
From St. Paul and Sioux City Railroad, 2 per cent. on gross earnings, - - -	7,356 85
From Southern Minnesota Railroad, 2 per cent. on gross earnings, - - -	5,355 45
From Lake Superior and Mississippi Railroad, 1 per cent. on gross earnings, - - -	2,651 00
From Hastings and Dakota Railroad, 1 per cent. on gross earnings, - - -	73 69
From St. Paul and Chicago Railroad, 1 per cent. on gross earnings, - - -	192 10
Total, - - - -	\$56,454 18

The revenue received from this source in 1866, was	\$4,078 21	Railroad taxes.
" " " " 1867,	9,373 56	
" " " " 1868,	12,814 53	
" " " " 1869,	30,593 66	
" " " " 1870,	44,934 66	
" " " " 1871,	\$6,454 18	

I deem it my duty to call the attention of the legislature to the loose and somewhat defective manner in which the accounts with the Railroad Companies are kept. Under the present laws the companies report once a year to the State Treasurer the amount of their gross earnings, upon which report the amount of tax is based. The Treasurer has no authority to examine into the correctness of such reports. I would therefore again repeat my recommendation of last and previous years to this effect, viz: that means be devised by which this large and steadily growing source of revenue be better guarded and controlled, and a more satisfactory system of accounts with the various Railroad Companies be secured. The statements required to be made of their gross earnings should be monthly or quarterly, and made to the State Auditor, on whose drafts the tax should be collected. The State Auditor, as the accounting officer of the State, should have the power to examine the correctness of such statements rendered, leaving to the Treasurer the collection and safe custody of the funds. It is easy to estimate, that, when our projected railroad system is once completed and the companies required to pay the full rate of taxation, three per cent. on their gross earnings, this item of revenue will nearly suffice for all current expenses of the State government.

A similar system of accounts should be required from telegraph and express companies.

STATE OF FINANCES.

State finances.

The amount of State Auditor's warrants issued during the year, is	\$661,401 41	
Warrants outstanding Dec. 1st, 1870,	10,626 48	
Total,	\$673,027 93	\$673,027 93
Warrants redeemed during the year,	\$669,360 17	
Leaving amount warrants outstanding Dec. 1st, 1871,		\$ 3,667 76

The following table shows the tax collections from 1830 to 1871 as follows, viz :

State finances.	Taxes collected in 1860,	-	-	-	-	\$111,918 53
	Taxes collected in 1861,	-	-	-	-	100,186 83
	Taxes collected in 1852,	-	-	-	-	133,001 73
	Taxes collected in 1863,	-	-	-	-	177,170 43
	Taxes collected in 1864,	-	-	-	-	195,418 52
	Taxes collected in 1865,	-	-	-	-	218,963 33
	Taxes collected in 1866,	-	-	-	-	252,646 96
	Taxes collected in 1867,	-	-	-	-	286,447 32
	Taxes collected in 1868,	-	-	-	-	276,186 86
	Taxes collected in 1869,	-	-	-	-	318,556 86
	Taxes collected in 1870,	-	-	-	-	336 460 83
	Taxes collected in 1871,	-	-	-	-	410,069 66

For the year 1872 the tax is estimated at \$425,000, based on a tax duplicate of \$90,000,000. The amount of the tax duplicate, if full money values were taken as a basis in the assessment, would be nearer \$300,000,000. In this connection I would suggest the propriety of requiring assessors and county and state boards of equalization to conform to a stricter compliance with the law in regard to returning the assessment of all taxable property, at the full value in money. The result would certainly be beneficial to the State. It is an acknowledged fact that, under the present mode of assessment, no property is intended to be rated at more than half its real value, in many cases even far below that rate. The effect of this low valuation is that taxes in many counties are carried to the seemingly enormous rate of four or five per cent., which, however, is merely fictitious, and with a proper assessment would not be over perhaps one per cent. Under the present mode, the common wealth is shown a great deal lower, and the taxes a great deal higher, than the facts warrant.

The estimated resources for the current year ending Nov. 30th, 1872, are as follows, viz :

From tax duplicate,	-	\$425,000 00	
From miscellaneous sources,	-	80,000 00	
Balance Interest Fund,	-	6,673 28	
Balance State Institution Fund,	-	32,858 54	
Balance Sinking Fund,	-	59,497 64	
Total,	-	\$618,061 49	\$618,061 49

The estimated expenses for the same period are as follows, viz :

For current expenses of the State	
Government,	\$161,000 00
For current expenses State Institutions,	175,000 00
For Interest on Loans,	21,3000 00
For investments for Sinking Fund,	72,719 00
For warrants outstanding Dec. 1st,	
1871,	3,667 00
For payment of deficiencies,	30,000 00

For unexpended appropriations, -	57,500 00	Insurance department.
For miscellaneous appropriations,	30,000 00	
Total, - - -	\$551,186 00	\$551,186 00
Leaving a ballance Nov. 30th, 1872,		\$66,875 49

Divided among the several funds as follows, viz :

Revenue Fund, - - -	37,000 000
State Institutions Fund,	16,000 00
Interest Fund,	6,500 000
Sinking Fund, - - -	6,500 000

From the above exhibit it will be seen that the finances of the State are in a healthy condition, which should not be endangered by allowing appropriations to go beyond the limits indicated in the above estimates. It should be remembered that from the close of the fiscal year until about the middle of March hardly any collections can be expected ; the balance left over should therefore be sufficient to meet the necessary expenditures during that period.

The proposed amendment to the constitution authorizing an additional loan of the State for the purpose of providing the necessary funds for the completion of the buildings for our State institutions failing to meet the required popular support, nothing can probably be expended for such buildings until the state of the general revenue shall warrant such expenditure.

THE INSURANCE DEPARTMENT.

Under the law regulating foreign and domestic insurance companies, eighty-six companies rendered their statements, a schedule of which is hereunto annexed. Since the great Chicago disaster, many fire insurance companies have become insolvent and a general feeling of insecurity in regard to insurance matters prevails in consequence thereof. It will therefore be necessary to insist on a strict compliance with the law and to refuse admittance into the state to doubtful companies. If any change in the insurance law is attempted at all, it should be to make its provisions more stringent. Information in regard to the reinsurance fund of each company should be required in addition to the statements rendered, to enable the public to judge of the financial soundness of the same.

State finances.

The amount of tax received from insurance companies, being two per cent. of their gross receipts in Minnesota during the preceding year, was \$17,112 14.

RELIEF FUND.

Receipts.

From various sources until Nov. 30th, 1871, -	\$7,458 26
---	------------

Disbursements.

Paid Governor's drafts to sundry persons, -	4,256 25
Leaving balance in treasury, Dec. 1st, 1871, -	<u>\$3,202 01</u>
Respectfully submitted,	

EMIL MUNCH,
State Treasurer.

STATEMENT "A."

*Showing in Detail the Receipts into the Treasury for the fiscal Year ending November 30, 1871, from
County Treasurers, on State Auditor's Drafts.*

ANOKA COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
1871.										
March 27.....	\$ 246 44	\$ 59 97	\$ 59 97	\$ 239 89					\$ 80	\$ 1,207 07
June 30.....	1,738 23	124 23	124 23	496 93	\$ 54 00	\$ 647 61				3,186 23
Oct. 25.....	421 87	29 66	29 66	118 66					36	600 21
Nov 28.....					130 00	25 12				146 12
	\$3,007 54	86 21	213 86	885 48	174 00	73			1 16	\$5,138 63

BENTON COUNTY.

April 14.....	664 23	45 73	45 73	185 03						934 61
July 12.....	635 64	45 41	45 41	181 63						968 32
Oct. 25.....	166 46	12 03	12 03	43 13		50 34				659 47
	1,466 33	104 17	104 17	416 67		468 82				2,612 40

Benton County

Anoka County.

Receipts.

Blue Earth
County.

STATEMENT "A."—Continued.

BLUE EARTH COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
March 29.....	\$ 4,096 73	\$ 292 62	\$ 292 62	\$ 1,170 50	.....	.....	.....	.....	.....	\$5,862 47
July 20.....	7,953 19	568 09	568 09	2,572 34	\$ 510 00	\$ 4,322 70	.....	\$1,072 90	.....	17,767 31
Oct. 26.....	1,740 60	144 33	124 33	497 31	.....	.....	.....	.....	.....	2,486 57
Nov 26. ....	.....	.....	.....	.....	198 00	29 28	.....	.....	.....	226 28
	13,790 52	985 04	985 04	3,940 15	708 00	4,351 98	.....	1,072 90	.....	26,333 63

Brown County.

BROWN COUNTY.

April 10.....	1,092 94	78 10	78 10	312 25	.....	.....	.....	.....	.....	1,561 78
July 14.....	1,298 10	92 01	92 01	353 03	226 25	1,783 44	.....	156 66	.....	4,093 50
Oct. 26.....	241 61	17 27	17 27	69 98	.....	.....	.....	.....	.....	345 43
	2,632 15	187 38	187 38	749 46	286 25	1,783 44	.....	156 66	.....	5,916 72

STATEMENT "A."—Continued.

CARVER COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
March 23.....	• 1,515 76	• 108 26	• 108 26	• 433 07	• 151 86	.....	.....	.....	.....	• 2,317 20
July 11.....	2,183 91	156 35	156 35	625 40	1,292 68	• 2,791 37	.....	.....	.....	7,211 06
Oct. 24.....	554 40	39 61	39 61	153 42	.....	.....	.....	.....	.....	792 13
Nov. 24.....	.....	.....	.....	.....	30 00	6 32	.....	.....	.....	36 32
	4,259 16	304 22	304 22	1,216 89	1,474 53	2,797 69	.....	.....	.....	10,256 71

CHIPPEWA COUNTY.

June 5.....	202 20	14 45	14 45	57 79	.....	.....	.....	.....	.....	298 88
July 10.....	62 52	4 47	4 47	17 86	.....	.....	.....	.....	.....	89 32
Nov 11.....	14 90	1 07	1 07	4 26	.....	.....	.....	.....	.....	21 29
	279 62	19 99	19 99	79 89	.....	.....	.....	.....	.....	399 49

Carver county.

Chippewa County.

Chicago county

STATEMENT "A."—Continued.

CHISAGO COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	Gen'l School.	Permanent University	General University	U. S. War.	Totals.
March 24.....	\$ 1,759 02	\$ 125 64	\$ 125 64	\$ 502 57	\$ 50 00	.....	.....	.....	4 26	\$2,557 13
July 10.....	1,072 73	76 63	76 63	206 50	579 00	1,437 92	.....	.....	2 06	3,601 47
Oct. 23.....	277 79	19 84	19 84	79 36	.....	64 34	.....	.....	.....	461 17
Nov. 30.....	.....	.....	.....	.....	1,331 48	212 59	.....	.....	.....	1,547 07
	3,109 54	222 11	222 11	888 43	1,963 48	1,764 85	.....	.....	6 32	8,176 84

Cottonwood county.

COTTONWOOD COUNTY.

Nov. 4.....	.....	.....	.....	.....	\$ 1,666 00	\$ 167 79	.....	.....	.....	\$1,833 79
	.....	.....	.....	.....	1,666 00	167 79	.....	.....	.....	1,833 79

STATEMENT "A."—Continued.

CROW WING COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institu'tns.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S War.	Totals.
April 28.....	\$ 73 69	\$ 5 26	\$ 5 26	\$ 21 06						\$ 106 27
	73 69	5 26	5 26	21 06						106 27

DAKOTA COUNTY.

Dec. 20, 1870 ...	\$ 2,390 66	\$ 398 42	\$ 398 42	\$ 796 65		\$ 110 75			\$ 38	\$ 4,095 40
May 1, 1871....	4,575 62	326 83	326 83	1,307 23					2 22	6,538 82
Aug. 6.....	4,867 43	347 68	347 68	1,390 69	\$ 390 00	4,699 30			...	12,032 78
Nov. 8.....	2,390 38	170 74	170 74	682 97	510 00	21 13			2 73	3,948 70
Nov. 27.....					67 50	14 13			...	81 63
	14,224 02	1,243 67	1,243 67	4,177 83	957 50	4,845 31			5 33	26,697 33

Crow Wing
county.

Dakota county

Dodge County.

STATEMENT "A."—Continued.

DODGE COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institu'tns.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S. War.	Totals.
June 14.....	\$ 1,929 76	\$ 137 84	\$ 137 84	\$ 561 36	.....	\$ 13 59	.....	.....	.....	\$ 2,270 36
July 5.....	3,850 00	275 00	275 00	1,100 00	.....	2,904 14	.....	.....	.....	5,404 44
Nov. 6.....	293 86	20 99	20 99	83 96	.....	18 03	.....	.....	.....	437 83
Nov. 23.....	.....	.....	.....	.....	245 00	37 34	.....	.....	.....	282 34
	6,073 62	433 83	433 83	1,735 32	245 00	2,973 40	.....	.....	.....	11,895 00

Douglas
county.

DOUGLAS COUNTY.

Dec. 30, 1870....	403 41	67 23	67 23	134 46	.....	.....	.....	.....	.....	673 33
Dec. 30, 1871....	73 09	12 18	12 18	24 36	.....	.....	.....	.....	.....	121 8
	476 50	79 41	79 41	158 82	.....	.....	.....	.....	.....	794 14

STATEMENT "A."—Continued.

FARIBAULT COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Insitu'ts.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S. War.	Totals.
Dec. 27, 1870....	\$ 414 49	\$ 69 08	\$ 69 08	\$ 138 16	.....	.....	.....	.....	.....	688 81
Dec. 27, 1870....	1,231 62	96 12	96 12	380 47	\$ 310 40	\$ 76 06	\$ 1,636 76	376 84	.....	2,398 65
May 11, 1871....	2,522 57	180 19	180 19	720 73	.....	5,262 68	.....	936 48	.....	1,903 33
Oct. 27.....	4,268 68	344 39	344 39	1,239 36	861 60	5,428 74	1,635 76	1,312 32	.....	10,442 94
										15,434 73

FILLMORE COUNTY.

April 8.....	5,374 28	383 86	383 86	1,535 51	690 00	.....	.....	.....	.....	8,367 56
July 2.....	5,600 00	400 00	400 00	1,400 00	1,688 00	7,227 44	.....	.....	.....	16,905 44
Nov. 2.....	2,594 95	256 78	256 78	1,027 12	200 00	34 72	.....	.....	.....	5,280 36
Nov. 30.....	.....	.....	.....	.....	200 00	33 08	.....	.....	.....	283 03
	14,569 23	1,040 66	1,040 66	4,162 64	2,508 00	7,406 19	.....	.....	.....	30,726 38

Faribault
county.Fillmore
county.

Freeborn
county.

STATEMENT "A."—Continued.

FREEBORN COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institu'tns.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S. War.	Totals.
April 26.....	\$ 1,865 20	\$ 133 24	\$ 133 24	\$ 532 94						
July 12.....	1,699 08	113 51	113 51	464 02	\$ 476 00	\$ 5,281 77		\$ 1,300 86	\$90 21	\$ 2,664 93
Nov. 2.....	1,991 46	141 54	141 54	566 13						9,398 74
										2,890 67
	5,435 84	388 29	388 29	1,563 09	476 00	5,281 77		1,300 86	00 21	14,894 34

Goodhue
county.

GOODHUE COUNTY.

April 4.....	8,685 96	620 43	620 43	2,461 72	86 00	76 13				12,569 68
July 12.....	7,697 19	543 37	543 37	2,173 48	1,046 00	5,038 00				16,951 41
Oct. 26.....	2,510 66	179 39	179 39	717 33	442 00	1 27				1,182 91
Nov. 26.....					1,056 00	57 12				1,182 12
	18,903 82	1,343 13	1,343 13	5,372 53	2,608 00	6,172 62				34,693 13

STATEMENT "A."—Continued.

HENNEPIN COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
1871.										
July 14.	6,553 55	470 25	470 25	1,831 01	50 00	2,738 53				9,455 06
July 14.	9,977 70	712 69	712 69	2,850 77	1,448 55	3 50				18,441 23
Nov. 6.	6,233 10	445 23	445 23	1,700 88		61 51				8,307 94
Nov. 22.					934 00					934 00
	22,794 35	1,628 17	1,628 17	6,512 66	1,792 55	2,803 84				37,159 74

HOUSTON COUNTY.

April 8.	3,631 66	262 97	262 97	1,051 90		47 35				5,306 86
July 15.	3,534 81	262 49	262 49	1,009 95		2,788 20				7,537 94
Oct. 25.	538 26	59 88	59 88	239 50						1,197 53
Nov. 30.					60 00	12 56				72 56
	8,064 73	575 34	575 34	2,301 35	60 00	2,848 12				14,114 86

Hennepin county.

Houston county.

Isanti county.

Jackson
county.

STATEMENT "A."—Continued.

ISANTI COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School	Permanent University.	Gen. Uni- versity.	U. S. War.	Totals.
Oct. 9.....	\$ 179 97	\$ 12 79	\$ 12 79	\$ 51 16	.....	.....	.....	.....	.....	\$ 255 61
Nov. 23.....	175 83	12 56	12 56	50 24	.....	.....	.....	.....	.....	251 19
Nov. 24.....	51 92	3 71	3 71	14 84	.....	.....	.....	.....	.....	74 18
	406 82	29 05	29 05	116 24	.....	.....	.....	.....	.....	561 18

JACKSON COUNTY.

March 28.....	\$ 53 72	10 62	\$ 10 62	\$ 21 24	.....	.....	.....	.....	.....	\$ 332 23
March 28.....	3 40	50	50	1 20	.....	.....	.....	.....	.....	6 98
March 28.....	121 09	9 35	9 35	37 45	.....	.....	.....	.....	.....	187 98
Sept. 25.....	144 68	10 24	10 24	41 34	.....	.....	.....	.....	.....	437 13
Nov. 30.....	1 38	10	10	41 39	.....	.....	.....	.....	.....	1 97
	344 45	31 02	31 02	101 62	.....	.....	.....	.....	.....	969 88

STATEMENT "A."—Continued.

KANABEC COUNTY

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
June 5.....	\$ 58 06	\$ 4 15	\$ 4 15	16 59	.....	.....	.....	.....	.....	\$ 82 95
July 12.....	694 28	48 88	48 88	106 50	.....	.....	.....	.....	.....	977 54
Nov 16.....	72 44	4 46	1 46	17 84	.....	.....	.....	.....	.....	89 20
	804 78	57 49	57 49	229 93	.....	.....	.....	.....	.....	1,149 69

KANDIYOHI COUNTY.

April 24.....	867 82	62 00	62 00	247 95	.....	.....	.....	.....	1 53	1,941 30
July 5.....	414 37	29 60	29 60	118 20	22 00	587 52	.....	.....	1 68	1,194 16
Oct 25.....	175 87	12 56	12 56	50 25	.....	.....	.....	.....	1 84	283 68
	1,458 00	104 16	104 16	416 59	22 00	578 52	.....	.....	5 06	2,688 54

Kanabec county.

Kandiyohi county.

Lake county.

STATEMENT "A.—Continued.

LAKE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
June 15.....	\$ 58 01	\$ 4 15	\$ 4 15	\$ 16 57	.....	.....	.....	.....	.....	\$ 82 88
Oct 31.....	6 61	47	47	1 89	.....	.....	.....	.....	.....	9 44
	64 62	4 62	4 62	18 46	.....	.....	.....	.....	.....	92 32

Le Seuer county.

LE SEUER COUNTY.

May 9.....	\$ 1,784 48	\$ 127 47	\$ 127 47	\$ 509 86	.....	.....	.....	.....	.....	\$2,549 28
Aug. 4.....	2,187 27	154 09	154 09	616 37	.....	.....	.....	.....	.....	7,063 83
Oct. 25.....	304 55	21 75	21 75	87 01	\$ 819 50	\$ 3,152 61	.....	.....	.....	29 53
Nov. 29.....	.....	.....	.....	.....	227 90	56 57	.....	.....	.....	778 63
	.....	.....	.....	.....	673 20	105 43	.....	.....	.....	.....
	4,246 30	303 31	303 31	1,213 24	1,720 50	3,284 61	.....	.....	.....	11,071 27

STATEMENT "A."—Continued.

MARTIN COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
April 5.....	267 83	19 12	19 12	76 53	.....	.....	.....	.....	.....	382 62
July 22.....	749 41	54 26	54 26	216 87	12 46	155 50	.....	.....	.....	1,262 83
Oct. 26.....	51 00	3 66	3 66	14 57	12 75	1 84	.....	.....	.....	87 46
	1,078 24	77 03	77 03	308 07	25 20	157 34	.....	.....	.....	1,722 91

MCLEOD COUNTY.

April 21.....	1,029 16	73 52	73 52	294 14	.....	1,997 75	.....	.....	.....	1,470 23
July 11.....	1,153 64	82 33	82 33	329 32	480 00	265 05	.....	223 11	.....	4,347 48
Oct. 26.....	290 53	20 75	20 75	53 00	.....	.....	.....	13 02	.....	653 10
	2,472 32	176 60	176 60	706 36	480 00	2,262 80	.....	236 13	.....	6,510 81

McLeod county.

Martin county.

Meeker
county.

Mille Lacs
county.

STATEMENT "A."—Continued.

MEEKER COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
Sept. 16.....	744 87	53 20	53 20	212 82	.....	.....	.....	.....	.....	1,064 09
Oct. 8.....	933 36	66 68	66 68	266 67	63 00	3,207 59	.....	1,066 29	.....	5,670 27
Nov. 6.....	178 87	12 78	12 78	51 10	.....	13 42	.....	.....	.....	268 96
Nov. 30.....	.....	.....	.....	.....	407 33	86 24	.....	.....	.....	493 57
	1,867 10	132 66	132 66	530 59	470 33	2,306 25	.....	1,066 29	.....	7,496 88

MILLE LACS COUNTY.

April 6.....	457 88	32 70	32 70	120 80	.....	.....	.....	.....	.....	654 22
July 19.....	515 60	38 32	38 32	117 78	.....	.....	.....	.....	.....	736 43
Oct. 26.....	126 24	8 96	8 96	36 78	.....	.....	.....	.....	.....	178 92
	1,098 56	79 47	79 47	313 37	.....	.....	.....	.....	.....	1,609 37

STATEMENT "A."—Continued.

MORRISON COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
April 11.....	1,067 86	76 27	76 27	301 10	.....	.....	.....	.....	9 16	1,524 65
	1,067 86	76 27	76 27	305 10	.....	.....	.....	.....	9 16	1,634 65

MOWER COUNTY.

April 1.....	1,962 26	90 17	90 17	360 68	.....	.....	.....	.....	.....	1,803 40
July 30.....	2,383 93	242 39	242 39	969 64	.....	.....	.....	258 15	.....	11,907 6
Nov. 29.....	2,379 65	169 98	169 98	679 90	.....	.....	.....	.....	.....	3,492 56
	7,035 52	502 54	502 54	2,010 12	.....	.....	.....	258 15	.....	17,203 17

Mower county.

Morrison county.

Nicollet
county.Olmsted
county.

STATEMENT "A."—Continued.

NICOLLET COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. war.	Totals.
April 10.....	\$ 1,999 13	\$ 142 79	\$ 142 79	\$ 571 17	.....	.....	.....	.....	.....	\$2,855 88
July 14.....	2,356 97	168 29	168 29	673 13	\$ 378 00	\$ 2,905 47	.....	\$177 61	.....	6,727 76
Nov. 1.....	286 19	23 30	23 30	93 19	100 00	.....	.....	.....	.....	555 98
Nov. 30 .....	.....	.....	.....	.....	415 13	86 73	391 20	81 72	.....	974 78
	4,681 29	334 38	334 38	1,237 49	893 12	2,893 20	391 20	259 33	.....	11,124 40

OLMSTED COUNTY.

April 17.....	4,748 11	339 71	339 17	1,356 60	.....	75 41	.....	.....	.....	6,868 55
Oct. 27.....	8,490 01	606 72	606 72	2,422 86	556 50	6,961 80	.....	.....	.....	19,822 61
Nov. 22.....	2,936 02	209 71	209 71	838 86	.....	47 36	.....	.....	.....	4,241 66
	16,164 14	1,164 69	1,164 69	4,618 32	556 50	7,074 57	.....	.....	.....	30,722 71

STATEMENT "A."—Continued.

OTTER TAIL COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
1871.										
April 8.....	\$ 266 75	\$ 18 34	\$ 18 34	\$ 73 36						\$ 366 79
Aug. 8.....	351 76	27 58	27 58	109 07						645 35
Oct. 28.....	126 88	9 06	9 06	36 25						181 25
	765 39	54 66	54 66	218 68						1,093 39

APPENDIX.

237

PINE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
March 30.....	699 61	49 97	43 97	199 89						999 44
Oct. 14.....	492 73	35 20	35 20	146 78						703 91
Nov. 30.....	146 99	10 50	10 50	41 99						299 98
	1,339 33	95 67	95 67	388 66						1,913 33

Pine county.

Otter Tail county.

Pope county.

STATEMENT "A."—Continued.

POPE COUNTY.

Ramsey
county.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	Gen'l School.	Permanent University	General University	U. & War.	Totals.
April 25.....	\$ 509 84	\$ 36 43	\$ 26 43	\$ 146 70	.....	.....	.....	.....	.....	728 50
July 5.....	029 99	37 85	27 85	151 42	.....	.....	.....	.....	.....	757 11
Oct. 28.....	44 40	3 17	3 17	12 68	.....	.....	.....	.....	.....	63 42
	1,084 23	77 45	77 45	309 80	.....	.....	.....	.....	.....	1,549 03

RAMSEY COUNTY.

April 21.....	25,193 88	1,799 58	1,799 58	7,198 95	.....	.....	.....	.....	.....	\$35,981 29
July 3.....	.....	.....	.....	.....	200 00	1,450 10	.....	.....	.....	1,650 10
Oct. 5.....	1,583 58	111 72	111 72	446 58	.....	.....	.....	.....	.....	2,234 27
Oct. 26.....	1,584 84	133 21	133 21	532 81	.....	.....	.....	.....	.....	2,664 07
	28,622 70	2,044 51	2,044 51	8,177 91	300 00	1,450 10	.....	.....	.....	42,586 73

STATEMENT "A."—Continued.

REDWOOD COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	Gen. School.	Permanent University.	General University.	U. S. War.	Totals.
May 2.....	\$ 918 06	15 43	\$ 15 43	\$ 61 73	.....	.....	.....	.....	.....	308 65
July 12.....	700 22	50 02	50 02	200 04	.....	.....	.....	.....	.....	1,000 32
Oct. 31.....	129 50	9 28	9 28	37 11	.....	.....	.....	.....	.....	185 57
	1,046 18	74 93	74 23	298 90	.....	.....	.....	.....	.....	1,494 54

RENVILLE COUNTY.

May 12.....	331 69	23 69	23 69	94 76	.....	.....	.....	.....	.....	473 83
July 10.....	626 67	44 77	44 77	179 05	.....	.....	.....	.....	.....	895 56
Oct. 28.....	44 51	3 18	3 18	12 71	.....	.....	.....	.....	.....	63 49
Nov. 27.....	.....	.....	.....	3,226 41	.....	125 90	.....	.....	.....	3,354 31
	1,002 87	71 64	71 64	296 62	3,226 41	125 90	.....	.....	.....	4,796 96

Renville
County.Redwood
County.

Rice county.

St. Louis
county.

STATEMENT "A."—Continued.

RICE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. Wat.	Totals.
April 17.....	\$ 3,270 68	\$ 240 76	\$ 240 76	\$ 963 06	.....	\$ 108 65	.....	.....	.....	\$ 4,992 82
July 18.....	8,340 40	596 76	596 76	2,332 97	\$ 1,592 94	4,690 08	.....	.....	.....	13,167 19
Oct. 26.....	.....	.....	.....	.....	182 60	32 67	.....	.....	.....	267 17
Nov. 27.....	.....	.....	.....	.....	30 00	6 28	.....	.....	.....	36 28
	11,711 08	836 51	836 51	3,346 03	1,774 74	4,898 69	.....	.....	.....	23,403 46

ST. LOUIS COUNTY .

July 11.....	963 69	68 84	68 84	275 34	.....	.....	.....	.....	.....	1,376 71
July 14.....	4,068 86	290 64	290 64	1,162 53	.....	.....	.....	.....	.....	5,812 66
Oct. 28.....	310 66	22 19	22 19	88 76	.....	.....	.....	.....	.....	443 78
	5,343 19	381 67	381 67	1,626 62	.....	.....	.....	.....	.....	7,633 16

STATEMENT "A."—Continued.

SIBLEY COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institu'tns.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S War.	Totals.
1871										
May 19.....	\$ 1,868 12	\$ 133 44	\$ 133 44	533 74						\$ 2,668 74
	1,868 12	133 44	133 44	533 74						2,668 74

STEARNS COUNTY.

March 29.....	\$ 3,112 85	\$ 222 35	\$ 222 35	\$ 889 48						\$ 4,446 93
July 10.....	3,817 27	272 67	272 67	1,090 66	\$ 881 00	\$ 2,260 14				8,684 40
Oct. 26.....	502 36	35 89	35 89	143 63						717 67
	7,432 48	530 91	530 91	2,123 56	881 00	2,260 14				13,749 00

Sibley county.

Stearns county.

Scott county.

STATEMENT "A."—Continued.

SCOTT COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institute.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S. War.	Totals.
July 5.....	\$ 1,079 87	\$ 77 13	\$ 77 43	\$ 308 54	.....	.....	.....	.....	.....	\$ 1,542 67
July 6.....	2,301 33	164 38	164 38	657 52	.....	.....	.....	.....	.....	6,884 08
Oct. 26.....	481 75	34 63	34 63	138 50	500 75	11 90	.....	.....	.....	1,214 16
Nov. 30.....	.....	.....	.....	.....	464 18	34 09	.....	.....	.....	499 07
	3,865 95	276 14	276 14	1,104 56	1,900 43	2,716 76	.....	.....	.....	10,139 98

Sherburne
county.

SHERBURNES COUNTY.

April 4.....	730 60	52 19	52 19	208 74	.....	.....	.....	.....	.....	10,443 72
Aug. 22.....	731 44	52 24	52 24	208 98	.....	.....	.....	.....	.....	1,700 97
Oct. 30.....	260 74	18 63	18 63	74 49	.....	656 07	.....	.....	.....	3,722 40
Nov. 30.....	.....	.....	.....	.....	126 00	26 37	.....	.....	.....	162 37
	1,722 78	123 06	123 06	492 21	126 00	682 44	.....	.....	.....	13,269 56

STATEMENT "A."—Continued.

STEELE COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S. War.	Totals.
1871.										
April 28.....	\$ 2,300 58	\$ 164 38	\$ 164 38	\$ 667 30	\$ 170 00	.....	.....	.....	.....	\$ 3,455 54
July 25.....	3,517 68	251 26	251 26	1,005 06	300 50	3,507 69	.....	189 40	.....	3,904 73
Nov. 21.....	1,106 02	79 00	79 00	.....	.....	29 01	.....	.....	.....	1,409 03
Nov. 30.....	.....	.....	.....	316 00	350 00	33 42	120 00	28 12	.....	525 54
	6,924 28	494 59	494 59	1,978 36	820 00	3,570 02	120 00	214 57	.....	14,516 90

TODD COUNTY.

Date of Pay- ment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General Uni- versity.	U. S. War.	Totals.
April 4.....	299 08	21 36	21 36	86 45	.....	.....	.....	.....	.....	427 26
July 10.....	139 87	10 00	10 00	39 96	.....	.....	.....	.....	.....	199 83
Oct. 28.....	263 22	18 45	18 45	73 79	.....	.....	.....	.....	.....	363 96
	697 22	49 81	49 81	199 20	.....	.....	.....	.....	.....	995 04

Steele county.

Todd county.

Wabashaw
county.

STATEMENT "A.—Continued.

WABASHAW COUNTY.

Waseca county

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
Dec. 26, 1870.....										
June 6.....	\$ 4,452 86	\$ 318 06	\$ 318 06	\$ 1,172 32	\$ 446 75	\$ 22 73				\$ 489 48
September 6.....	660 28	46 46	46 46	135 82						636 22
Oct. 2.....	3,646 87	260 41	260 41	1,431 60	325 00	1,763 63				6,961 10
Nov. 27.....	2,413 96	172 43	172 43	689 70						7,286 69
Nov. 30.....					1,620 00	18 36				3,449 82
										1,088 35
	11,162 77	797 35	797 35	3,189 36	1,791 75	1,794 71				19,533 29

WASECA COUNTY

April 10.....	\$ 1,701 35	\$ 121 62	\$ 121 62	\$ 486 10		\$ 47 36				\$2,477 85
July 27.....	2,963 84	211 71	211 71	846 82	\$ 775 69	2,601 79				7,611 46
Oct. 24.....	683 84	41 70	41 70	166 81						884 05
	5,249 03	374 93	374 93	1,499 73	775 69	2,649 16				10,923 36

STATEMENT "A."—Continued.

WASHINGTON COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	U. S. War.	Totals.
April 4.....	\$ 4,435 00	\$ 316 90	\$ 316 90	\$ 1,287 14	\$ 340 00	.....	.....	.....	6 02	\$ 5,631 76
July 13.....	8,768 40	270 60	270 60	1,032 40	901 25	.....	.....	.....	1 70	8,990 17
Oct. 26.....	1,763 56	126 15	126 15	500 60	.....	1,975 22	.....	.....	4 76	2,560 27
Nov. 30.....	.....	.....	.....	.....	735 00	111 40	.....	.....	.....	845 40
	9,976 96	712 55	712 55	2,850 14	1,976 25	2,137 67	.....	.....	12 45	18,378 60

WATONWAN COUNTY

April 5.....	338 32	23 45	32 45	93 31	.....	.....	.....	.....	.....	489 03
July 3.....	492 58	36 18	36 18	140 74	.....	1,204 85	.....	937 08	.....	2,896 68
Oct. 3.....	36 10	2 63	2 63	10 31	.....	321 07	.....	94 72	.....	467 36
	857 00	61 21	61 21	224 86	.....	1,526 92	.....	1,061 77	.....	3,531 97

Washington county.

Watonwan county.

Winona
county.Wright
county.

STATEMENT "A."—Continued.

WINONA COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	W. & w. r.	Totals.
May 18.....	\$ 4,431 71	\$ 316 55	\$ 316 55	\$ 1,266 31	\$ 200 00	.....	.....	.....	.....	\$4,531 02
Oct. 13.....	8,050 00	575 00	575 00	2,300 00	1,145 00	\$ 4,066 38	.....	.....	.....	16,711 38
Nov. 6.....	3,522 61	251 62	251 62	1,006 46	.....	95 74	.....	.....	.....	6,128 05
Nov. 30 .....	.....	.....	.....	.....	180 00	37 67	.....	.....	.....	217 67
	16,004 32	1,143 17	1,143 17	4,572 67	1,525 00	4,199 79	.....	.....	.....	28,588 12

WRIGHT COUNTY.

April 4.....	1,497 53	105 97	105 97	427 87	87 00	.....	.....	.....	.....	2,228 77
July 21.....	1,950 73	139 34	139 34	557 36	546 95	2,471 00	.....	.....	43	6,101 07
Oct. 28.....	283 34	20 60	20 60	82 38	.....	97 65	.....	286 30	.....	509 57
	3,736 60	266 91	266 91	1,067 60	633 95	2,568 65	.....	396 30	43	8,537 35

SUMMARY OF RECEIPTS FROM COUNTIES.

Counties.	Revenue.	Interest.	Sinking.	State Institu'ts.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvements.	U. S. War.	Totals.
Anoka.....	3,007 54	213 86	213 86	853 48	174 00	672 78				1 16	5,138 63
Benton.....	1,463 33	104 17	104 17	416 67		699 66					2,612 40
Blue Earth.....	13,790 62	966 01	966 01	3,940 16	708 00	4,861 98					26,333 63
Brown.....	2,623 15	187 38	187 38	745 46	286 26	1,733 43		1,072 90			5,915 72
Carver.....	4,269 16	384 22	384 22	1,216 89	1,474 53	2,737 68		168 56			10,366 71
Chippewa.....	279 62	19 99	19 99	79 89							399 49
Chicago.....	3,109 54	222 11	222 11	863 43	1,963 49	1,754 85				6 32	8,176 84
Cottonwood.....	73 69				1,666 09	167 79					1,833 79
Crow Wing.....	14,224 02	1,243 67	1,243 67	21 06	967 50	4,845 31					26,697 33
Dakota.....	6,073 62	433 83	433 83	1,735 32	945 00	2,973 40				5 33	11,696 00
Dodge.....	476 80	79 41	79 41	158 82							734 14
Douglas.....	4,263 68	344 39	344 39	1,228 36	861 50	5,438 74		1,312 32			15,436 73
Faribault.....	14,669 53	1,040 66	1,040 66	4,162 64	2,508 00	7,405 19					30,726 33
Filmore.....	18,563 81	888 29	888 29	1,663 09	476 00	5,281 77		1,300 86		21	34,834 31
Goodhue.....	13,343 13	1,343 13	1,343 13	5,372 83	2,658 00	5,172 59					34,963 13
Greenock.....	23,783 32	1,623 17	1,623 17	6,612 66	1,792 56	2,803 84					37,169 74
Hennepin.....	8,044 73	575 34	575 34	2,301 36	60 00	2,846 12					14,144 63
Houston.....	458 83	29 06	29 06	116 24							591 13
Isanti.....	344 45	21 02	21 02	101 62		451 47					898 58
Jackson.....	891 49	57 46	57 46	249 53							1,149 89
Kanabec.....	1,468 05	104 16	104 16	416 59	22 00	578 62				5 06	2,698 54
Kandiyohi.....	64 62			18 46							83 08
LeSueur.....	4,646 30	303 31	303 31	1,213 24	1,720 60	3,284 61					11,071 37
Martin.....	1,073 24	77 03	77 03	306 07	26 20	157 34					1,722 81
McLeod.....	2,472 32	176 60	176 60	706 36	480 00	2,562 80					6,510 81
Meeker.....	1,367 10	132 66	132 66	530 69	470 00	3,306 26		236 13			7,495 89
Miller.....	1,068 56	78 47	78 47	312 57				1,066 29			1,569 37
Morrison.....	1,067 85	76 27	76 27	306 10						9 16	1,534 66

Summary of receipts from counties.

STATEMENT "B."—RECEIPTS FROM MISCELLANEOUS SOURCES.

Date.	From what source received.	Revenue.	Sinking.	State In-stitutions	SCHOOL FUND.		General Unversal-ty Fund.	Internal Improve-ments.	Totals.
					Per-manent.	General.			
1871.									
January 1.	From United States Government war claims.....	17734 63							17734 63
"	From Münch Bros. & Co., for stampage of 1869, 1870.....						5056 25		5056 25
"	Interest on U. S. 6 per cent. currency bonds, \$330,000.....					9900 00			9900 00
"	Interest on U. S. 5-20 bonds, gold, \$2,634, premium \$250.23.....					2884 23			2884 23
"	Interest on U. S. currency bonds, \$25,000.....		750 00						750 00
"	Interest in U. S. currency bonds, \$5,000.....						150 00		150 00
January 16.	From U. S. Government for boarding U. S. civil convicts.....	1077 70							1077 70
January 20.	From J. Dean & Co., for stampage, for 1869 and 1870.....				673 68				673 68
February 13.	From U. S. Government, percentage on sale of lands in Minne- sota.....							14801 87	14801 87

Receipts from
miscellaneous
sources.

Receipts from
miscellaneous
sources.

	10256 32	10256 32	10256 32	10256 32	10256 32
March 13.	From Winona & St. Peter Railroad Company, for 1870.				
May 9.	From C. D. Dorr, on stampage.				
April 11.	From Prison Warden, for labor of prisoners to April 1, 1871.	1533 60			
April 18.	From United States Government, for b'rd'ng U. S. military convicts	2432 75			
May 1.	From interest on Minnesota war loan				
May 12.	From Northwestern Mutual Life Insurance Company, of Milwaukee, Wis., taxes for 1870.				
"	From Brooklyn Life Insurance Co., of New York, taxes for 1870.	1930 87			
"	From Charter Oak Life Insurance Company, of Hartford, Connecticut, taxes for 1870.	83 30			
"	From Springfield Fire and Marine Insurance Company, of Springfield, taxes for 1870.	278 80			
"	From Germania Life Insurance Co., of New York, taxes for 1870.	24 14			
"	From National Life Ins. Co., of U. S. of America, taxes for 1870.	32 74			
"	From Railway Passenger Assurance Co., of Hartford, taxes for 1870.	72 66			
"	From New England Mutual Life Insurance Co., taxes for 1870.	31 67			
"	From Security Life and Annuity Insurance Co., taxes for 1870.	380 62			
"	From Connecticut Mutual Life Insurance Co., taxes for 1870.	47 81			
"	From Phoenix Mutual Life Insurance Company, taxes for 1870.	614 91			
"	From Mutual Life Insurance Co., of New York, taxes for 1870.	714 20			
"	From Mutual Benefit Life Insurance Company, taxes for 1870.	835 67			
"	From North American Life Insurance Company, taxes for 1870.	136 71			
"	From Equitable Life Insurance Co., of Hartford, taxes for 1870.	488 60			
"	From Knickerbocker Life Insurance Co., of N. Y., taxes for 1870.	167 61			
"	From Equitable Life Insurance Company, taxes for 1870.	210 36			
"	From Connecticut Mutual Life Insurance Co., taxes for 1870.	604 20			
July 1.	From interest on 6 per cent. currency bonds from U. S. Gov't.		750 00		
"	From interest on 6 per cent. currency bonds from U. S. Gov't.				
"	From interest on 5-20 United States bonds, gold, \$2,634, premium, \$30.91.			150 00	
July 12.	From J. Dean & Co., on stampage, 1869 and 1870.				
- July 24.	From interest on Minnesota loan of 1867.	1307 36			
"	From interest on Minnesota loan of 1868.				
"	From interest on Minnesota loan of 1869.				
August 10.	From United States Government, for boarding United States convict convicts.	685 11			
Sept'r 23.	From Josiah Jones, on stampage, 1870, 1871.				
"	From Chambers & McMillan, on stampage, 1870, 1871.	1306 75			
"	From John Dudley, on stampage, 1870, 1871.	729 28			
Sept'r 56.	From sale of school lands in Ramsey county.	462 62			
October 6.	From Prison Warden, for labor of prisoners to June 30, 1871.	1995 60			
"	From Prison Warden, for labor of prisoners to Sept. 30, 1871.	2098 80			
October 26.	From Brown & Jones, on stampage.				
"	From W. Staples & Co., on stampage.	1686 86			

STATEMENT "B."—RECEIPTS FROM MISCELLANEOUS SOURCES—Continued.

Date.	From what sources received.	Revenue.	Sinking.	State In- stitutions	SCHOOL FUND.		General Univer- sity Fund	Internal Improve- ments.	Totals.
					Per- manent.	General.			
1871.				297 63					297 63
March 4....	From Manhattan Life Insurance Co., of New York, taxes for 1870....			128 15					128 15
"	From Continental Life Insurance Co., of New York, taxes for 1870....			103 89					103 89
"	From Hope Mutual Life Insurance Company, taxes for 1870....			24 47					24 47
"	From Massachusetts Life Ins. Co., of Springfield, taxes for 1870....			224 46					224 46
"	From Independent Life Insurance Company, taxes for 1870....			30 49					30 49
"	From Eclectic Life Insurance Co., of New York, taxes for 1870....			47 02					47 02
"	From Union Mutual Life Insurance Co., of Augusta, taxes for 1870....			24 07					24 07
"	From New York Life Insurance Co., of New York, taxes for 1870....			229 37					229 37
"	From Covenant Life Insurance Co., of New York, taxes for 1870....			33 62					33 62
"	From Security Insurance Co., of New York, taxes for 1870....			649 07					649 07
"	From North American Fire Ins. Co., of N. Y., taxes for 1870....			83 03					83 03
"	From Liverpool, London, and Globe Insurance Co., of Great Britain, taxes for 1870....			226 98					226 98
"	From American Central Insurance Company, taxes for 1870....			77 46					77 46
"	From Abury Life Insurance Company, taxes for 1870....			20 49					20 49
"	From National Life Insurance Company, taxes for 1870....			13 26					13 26
"	From Travelers' Ins. Co., of Hartford, Conn., taxes for 1870....			187 29					187 29
"	From Guardian Mutual Life Insurance Company, taxes for 1870....			19 86					19 86
March 10....	From Prison Warden, for labor of prisoners to Dec. 31, 1870....	1774 00							1774 00

Receipts from
miscellaneous
sources.

Receipts from
miscellaneous
sources.

March 1...	From L. S. & Miss. Railroad Co., tax for 1870.....	2651 10	2651 10
"	From St. Paul & S. C. Railroad Co., for 1870.....	7366 86	7366 86
"	From Southern Minnesota Railroad Co., for 1870.....	5365 45	5365 45
"	From Milwaukee & St. Paul Railroad Co., for 1870.....	21019 37	21019 37
"	From Hastings & Dakota Railroad Co., for 1870.....	73 69	73 69
"	From St. Paul & Chicago Railroad Co., for 1870.....	192 10	192 10
"	From First Div. St. Paul & Pacific Railroad Co., for 1870.....	9649 30	9649 30
March 4...	From Atlantic and Pac. Tel. Co., tax on 108 miles, at 40c.....	67 20	67 20
"	From Northwestern Tel. Co., tax on 1007 miles, at 40c.....	402 80	402 80
"	From City Fire Ins. Co., of Hartford, Ct., taxes for 1870.....	183 86	183 86
"	From Aetna Ins. Co., of Hartford, Ct., taxes for 1870.....	686 68	686 68
"	From Phoenix Ins. Co., of Hartford, Ct., taxes for 1870.....	507 73	507 73
"	From Lorillard Fire Ins. N. Y. Co., taxes for 1870.....	222 64	222 64
"	From Connecticut Fire Ins. Co., of Hartford, Ct., taxes for 1870.....	33 69	33 69
"	From Hartford Fire Ins. Co., of Hartford, Ct., taxes for 1870.....	508 03	508 03
"	From Andes Fire Ins. Co., of Hartford, Ct., taxes for 1870.....	45 74	45 74
"	From Pacific Fire Ins. Co., of San Francisco, Cal., taxes for 1870.....	19 48	19 48
"	From Home Ins. Co., of New York, taxes for 1870.....	190 37	190 37
"	From Phoenix Ins. Co., of Brooklyn, N. Y., taxes for 1870.....	600 64	600 64
"	From Market Fire Ins. Co., of N. Y., taxes for 1870.....	82 93	82 93
"	From Putnam F. Ins. Co., of N. Y., taxes for 1870.....	57 20	57 20
"	From Northwestern National Ins. Co., taxes for 1870.....	161 00	161 00
"	From North British & Mer. Ins. Co., London, taxes for 1870.....	43 30	43 30
"	From Continental Ins. Co., of Albany, N. Y., taxes for 1870.....	386 72	386 72
"	From Teutonia Life Ins. Co., of Buffalo, N. Y., taxes for 1870.....	911 82	911 82
"	From Western Ins. Co., of Buffalo, N. Y., taxes for 1870.....	241 98	241 98
"	From Merchants' Ins. Co., of Hartford, Conn., taxes for 70.....	46 13	46 13
"	From National Ins. Co., of N. Y., taxes for 1870.....	132 23	132 23
"	From Imperial Insurance Co., of London, taxes for 1870.....	680 96	680 96
"	From Republic Insurance Co., of Chicago, Illinois, taxes for 1870.....	30 81	30 81
"	From Standard Insurance Co., of Springfield, Ill., taxes for 1870.....	109 57	109 57
"	From North American Insurance Co., of N. Y., taxes for 1870.....	8 40	8 40
"	From Washington Ins. Co., of New York, taxes for 1870.....	204 42	204 42
"	From Fire Insurance Co., of Philadelphia, taxes for 1870.....	126 62	126 62
"	From Germania Insurance Co., of New York, taxes for 1870.....	126 62	126 62
"	From Republic Insurance Co., of New York, taxes for 1870.....	126 62	126 62
"	From Hanover Insurance Co., of New York, taxes for 1870.....	103 36	103 36
"	From Albany City Insurance Co., of N. Y., taxes for 1870.....	87 66	87 66
"	From Buffalo City Insurance Co., of Buffalo, N. Y., 1870.....	58 37	58 37
"	From Hahnemann Life Insurance Co., taxes for 1870.....	18 66	18 66
"	From Merchants' Insurance Co., of Chicago, Ill., taxes for 1870.....	210 17	210 17

APPENDIX.

253

STATEMENT "B."—RECEIPTS FROM MISCELLANEOUS SOURCES—Continued.

Date.	From what source received.	Revenue.	Sinking	State In- stitutions	SCHOOL FUND.		General Univer- sity Fund.	Internal Improve- ments.	Totals.
					Per- manent.	General.			
1871									
October 26.	From M. Campbell, on stumpage.....				1454 24				1454 24
November 3	From M. G. Tuttle, on stumpage.....				2046 15				2046 15
"	From J. Chubb, on stumpage.....						1677 35		1677 35
Nov. 4.....	From Crowell & Philbrick, on stumpage.....				1383 13				1383 13
"	From Burrows Bros., on stumpage.....				821 12				821 12
"	From Burrows Bros., on stumpage.....						2205 40		2205 40
Nov. 13.....	From St. Louis Mutual Life Insurance Company, taxes for 1870.....			142 66					142 66
"	From American Popular Life Insurance Co., of N. Y., taxes for 1870.....			34 35					34 35
Nov. 18.....	From United States Government on war claims.....	13009 58		74					13009 68
Nov. 20.....	From H. T. Brown, on stumpage.....						854 52		854 52
"	From Josiah Jones, on stumpage.....						1000 00		1000 00
"	From George A. Warren, on stumpage.....						707 00		707 00
"	From H. T. Brown, on stumpage.....				85 90				85 90
"	From W. Chandler, on stumpage.....				48 00				48 00
"	From Josiah Jones, on stumpage.....						274 20		274 20
Nov. 24.....	From Josiah Jones, on stumpage.....				623 56				623 56
Nov. 27.....	From A. Cutter, on stumpage.....				500 00				500 00
Nov. 28.....	From Munch Brothers & Co.....						5000 00		5000 00
Nov. 30.....	From United States Government, for boarding United States mil- itary convicts to June 30, 1871.....	1310 73							1310 73
"	From M. G. Tuttle, on stumpage.....				600 00				600 00
"	From John Blake, on stumpage.....				1800 55				1800 55
Nov. 30.....	From Erick Bergamon, on stumpage.....				400 00				400 00
"	From M. Campbell, on stumpage.....				220 51				220 51
"	From Hogan & Dow, on stumpage.....				406 50				406 50
"	From P. Kelley, on stumpage.....				90 00				90 00
"	From interest on Minnesota war loan of 1862.....					3500 00			3500 00
"	From Crowell & Philbrick, on stumpage.....				1383 14				1383 14
"	From A. Cutter, on stumpage.....				150 00				150 00
"	From St. Paul & Sioux City Railroad Company, for right of way.....				255 35				255 35
"	From grass cut on school lands in 1870, 1871.....					383 80			383 80
"	From Erick Bergamon on stumpage.....				758 41				758 41
Total.....		4402 50	1500 00	74025 32	19391 56	41754 91	19669 72	14801 87	216066 50

Receipts from miscellaneous sources.

EXPENDITURES, 1871.

Expenditures.	Law Library.....	\$ 70 37
	Law Library, 1870.....	525 90
	Law Library, 1871.....	275 90
	Chicago Eye and Ear Infirmary, 1868.....	156 16
	Support of Soldiers' Orphans, 1869.....	5,987 76
	Aboka Iron Bridge, 1869.....	7,000 00
	Cottonwood River Bridge, 1869.....	4,787 50
	Legislative fund, 1870.....	2 00
	" " 1871.....	36,429 79
	Historical Society, 1870.....	344 00
	" " 1871.....	2,155 50
	Governor's salary, 1870.....	250 00
	" " 1871.....	2,750 00
	Secretary's salary, 1870.....	450 00
	" " 1871.....	1,650 00
	Auditor's " 1870.....	125 00
	" " 1881.....	1,375 00
	Treasurer's salary, 1870.....	83 33
	" " 1871.....	916 67
	Attorney General's salary, 1870.....	156 69
	" " 1871.....	916 67
	Superintendent of Public Instruction's salary, 1870.....	208 33
	" " " 1871.....	2,291 67
	Adjutant General's salary, 1870.....	125 00
	" " 1871.....	1,375 00
	Land Commissioner's salary, 1870.....	125 00
	" " 1871.....	1,375 00
	Librarian's salary, 1870.....	66 65
	" " 1871.....	733 35
	Janitor's salary, 1870.....	66 65
	" " 1871.....	733 35
	Night Watch's salary, 1870.....	50 00
	" " 1871.....	550 00
	Governor's Private Secretary's salary, 1870.....	125 00
	" " " 1871.....	1,375 40
	Assistant Secretary's salary, 1870.....	166 68
	" " 1871.....	749 97
	Chief Clerk Auditor's salary, 1870.....	135 00
	" " 1871.....	1,375 00
	Land Office Clerk's salary, 1871.....	1,000 00
	Deputy Treasurer's salary, 1870.....	83 33
	" " 1871.....	916 67
	Public Instr. Clerk's salary, 1870.....	100 00
	" " 1871.....	1,100 00
	Attorney General's Clerk's salary, 1870.....	16 00
	" " 1871.....	183 35
	Military Storekeeper's salary, 1871.....	150 00
	Auditor's extra Clerk's salary, 1871.....	140 00

Executive Contingent, 1870	504 82	
“ “ 1871	1,323 73	
Governor's “ 1871	300 00	
Secretary's “ 1871	300 00	
Auditor's “ 1870	18 99	
“ “ 1871	328 66	
Treasurer's “ 1869	30 50	
“ “ 1870	19 50	
“ “ 1871	297 63	
Att'y Gen 's “ 1870	65 40	
“ “ 1871	966 06	
Public Instr. “ 1871	467 16	
Adj't. Gen.'s “ 1871	249 98	
Librarian's “ 1870	71 78	
“ “ 1871	268 30	
Statistics “ 1870	166 68	
Comm'r of Statistics' salary, 1871	749 97	
Salaries of Judges, 1870	6,474 99	
“ “ 1871	27,441 67	
Clerk Supreme Court salary, 1870	66 65	
“ “ 1871	733 26	Expenditures.
Reporter “ “ 1870	100 00	
“ “ 1871	500 00	
Vols. 14 and 15 Supreme Court Report	1,200 00	
Supreme Court Contingent, 1870	106 28	
“ “ 1871	400 00	
Printing Executive Documents, 1870	1 65	
“ “ 1871	2,500 00	
Printing for the Legislature, 1871	1,178 89	
Printing Laws and Journals, 1870	124 26	
“ “ 1871	3,670 06	
Printing and Advertising, 1871	3,701 17	
Printing Laws in Newspapers, 1871	2,998 83	
Printing and advertising Deficiency, 1871	481 23	
Printing Paper, 1870	1,639 44	
“ “ 1871	3,000 00	
Preparing Laws and Journals, 1871	800 00	
Prison Current Expenses, 1870	700 00	
“ “ 1871	25,635 99	
Prison Officers' salary, 1870	639 49	
“ New building, 1871	23,837 67	
“ Cells, 1871	13,268 80	
“ Yard and Fence	2,500 00	
Military Storekeeper's deficiency	150 00	
Insane support, 1871	56,000 00	
Insane building, 1871	37,000 00	
Deaf, Dumb and Blind support, 1871	15,000 00	
Reform School support, 1871	12,000 00	
“ land, 1870	7,000 00	
“ library, 1871	500 00	
Printing laws in newspapers, deficiency	1,725 15	
University of Minnesota, 1870	10,000 00	
Selecting University lands	630 50	
First Normal School support, 1871	8,000 00	
Insane Building deficiency, 1871	26,169 00	
First Normal School Building def., 1871	10,744 84	
Heating of Capitol, 1871	26,169 00	
Second Normal School support, 1871	5,000 00	
Deaf, Dumb and Blind Building, 1871	25,000 00	
Second Normal School Building, 1871	4,200 00	
Third Normal School Building support, 1871	5,000 00	
Immigration, 1870	298 75	
“ 1871	8,999 51	
Agricultural Societies, 1870	111 11	
“ 1871	2,904 76	
Sheriff's fund, 1870	1,205 76	
“ “ 1871	2,500 00	
Selling State Lands, deficiency, 1871	297 05	
“ “ 1870	65 68	
“ “ 1871	960 40	
Teachers' Institutes, 1870	50 15	
“ “ 1871	1,900 00	
Repairs of Capitol, 1870	810 00	
“ “ 1871	3,000 00	
Fuel and Light, 1870	3 50	
“ “ 1871	997 64	
Rent of Governor's House, 1870	150 00	
“ “ 1871	599 98	
Repairing Legislative Hall, 1870	261 10	
Rent of Arsenal, 1870	100 00	
“ “ 1871	300 00	

State Arms, 1870.....	21 86
" 1871.....	103 61
Repairs of Library, 1870.....	19 12
Repairs of artillery trucks, 1871.....	10 39
Railroad investigating committee, 1871.....	174 67
Compiling census, 1871.....	300 00
Fire proof safe, 1871.....	300 00
Manual maps, 1871.....	50 00
State Board of Equalization, 1871.....	100 00
LeSueur county.....	93 25
Ladies' Relief Association, 1871.....	112 00
Portrait of Gov. Swift, 1871.....	185 00
Eye and Ear (for soldiers), 1871.....	253 74
H. P. Van Cleave, 1871.....	2,436 66
G. C. Chamberlain, 1871.....	528 83
H. S. Brainerd, 1871.....	417 34
Paul Faber, 1871.....	388 00
J. J. Shaubut, 1871.....	150 00
A. L. Patchin, 1871.....	170 00
Drs. Murphy & Wharton.....	50 00
S. L. Bailey, 1871.....	41 00
G. W. Whallon, 1871.....	150 00
Mathies Thels, 1871.....	125 00
Mathies Mergens, 1871.....	90 00
Ferdinand Monte, 1871.....	108 00
Sherwood Hough, 1871.....	35 37
A. C. Hawley, 1871.....	18 40
Mrs. M. R. Smith, 1871.....	200 00
E. P. Freeman and Wm. Schimmel, 1871.....	60 00
Contested election, Fillmore, 1861, (revenue fund).....	\$ 471,441 50
General University fund, 1871.....	17,500 00
Interest on loans.....	15,750 00
Total warrants paid.....	\$ 504,692 00
Revenue fund paid wolf bounties.....	96 00
General school fund paid school apportionments.....	164,668 17
Permanent school fund, Missouri 6 per cent. bonds.....	47,500 00
General school fund, <i>bona fide</i> , running interest, commission and exchange on \$50,000 Missouri 6 per cent. bonds.....	1,652 50
\$ 718,608 67	

INDEX.

· **NOTE.**—The letters and words included in [] brackets, in this volume of general laws, are not in the bills approved by the governor and filed with the secretary of state. They are found in the engrossed bills, but were omitted or incorrectly copied in enrollment.

INDEX.

	PAGE.	SEC.
AMENDMENTS TO STATE CONSTITUTION.		
Proposed to article 9, by adding new section—14,	57	1
Public debt for completion of certain public buildings,	58	1
To be submitted to the people, when and how,	58	2
Ballots to have what form,	58	3
Proposed to sec. 3, article 10,	59	1
Corporation stockholders, extent of liability of,	59	1
Submission to the people, when and how made,	59	2
Form of ballots to be used,	60	3
Proposed to article 9,	60	1
Limitation of the taxing powers of the Legislature,	61	1
To be submitted to the people, when and where,	61	2
Form of ballots to be used,	61	3
Proposed to article 4 by adding new section—32,	62	1
Internal improvement lands, how to be sold and proceeds invested and disposed of,	62	1
To be submitted to the people, when and where,	63	2
Form of ballots to be used,	63	2
AMENDMENT.		
Of section 18, chapter 36, general statutes, relating to calling special school meetings,	46	
Of section 50, chapter 36, general statutes, relating to county superintendents of schools,	47	1
Of section 51, chapter 36, general statutes, relating to certificates,	48	2
Of section 73, chapter 36, general statutes, in relation to independent school districts,	49	
Of section 11, chapter 37, general statutes, in relation to state normal schools,	50	
Of section 2, chapter 5, general laws of 1870, to define the duties of county superintendent of schools,	51	
Of sections 20 and 21, chapter 36, general statutes, relating to school registers,	52	
Of chapter 1, session laws 1868, relating to the University of Minnesota,	55	
Of chapter 18, general laws of 1868, relating to the hospital for insane,	66	1
Of section 4, chapter 24, general laws 1871, relating to carrying freight and passengers on railroads,	77	
Of section 56, chapter 12, general statutes, relating to roads, cartways and bridges,	102	

	PAGE.	SEC.
Of section 12, chapter 13, general statutes, relating to roads, cartways and bridges, -	103	
Of section 6, chapter 63, general statutes, relating to general terms of supreme court, -	104	
Of section 1, chapter 74, general laws of 1871, relating to terms of court in seventh district, -	108	
Of section 1, chapter 86, general laws of 1871, relating to terms of court for Carlton county, -	109	
Of section 1, chapter 75, general laws of 1871, relating to terms of court in eighth district, -	110	
Of chapter 81, general statutes (?) of 1870, and create the tenth judicial district, -	111	
Of section 54, chapter 34, general statutes, relating to corporations, -	113	
Of title 1, chapter 34, general statutes, relating to corporations, -	114	
Of chapter 34, general statutes, relating to corporations, -	118	
Of chapter 30, general statutes, relating to limited partnerships, -	119	
Of section 31, chapter 1, general statutes, relating to return of votes for members of the Legislature, -	121	
Of sections 48 and 49, chapter 1, general statutes, relating to contested elections, -	122	
Of sections 7 and 8, chapter 3 general laws, -	124	
Of section 103, chapter 8, general statutes, relating to the board of county commissioners, -	125	
Of section 58, chapter 10, general statutes, -	126	
Of chapter 16, general statutes, relating to the sale of intoxicating liquors, -	127	
Of chapter 39, general statutes, relating to chattel mortgages, -	129	
Of section 6, chapter 49, general statutes, relating to probate courts, -	130	
Of section 1, chapter 51, general statutes, relating to estates of intestates, -	131	
Of chapter 57, general statutes, relating to sales of real estate by executors, etc., -	132	
Of section 106, chapter 65, general statutes, relating to appeals in justices' courts, -	133	
Of section 34, chapter 65, general statutes relating to adjournments in justices' courts, -	134	
Of section 20, title 2, chapter 65, general statutes, relating to justices' courts, -	135	
Of section 279, chapter 66, general statutes, relating to civil actions, -	137	
Of section 62, chapter 66, general statutes, relating to civil actions, -	138	
Of section 32, chapter 81, general statutes, relating to foreclosures by action, -	139	
Of section 7, chapter 98, general statutes, -	140	
Of chapter 71, general laws of 1867, concerning offenses against property, -	141	
Of section 7, chapter 70, general statutes, relating to fees of witnesses, -	142	
Of section 2, chapter 71, general laws of 1870, -	161	
Of chapter 31, general laws of 1870, relating to City Elections, -	161	
Of section 9, chapter 33, general laws of 1871, -	162	

INDEX.

261

	PAGE	SEC.
Of section 2, chapter 20, general laws of 1871, . . .	163	
Of chapter 11, general statutes, relating to taxes, . . .	191	
Of section 7, chapter 11, general statutes, relating to taxes, . . .	196	
ACTIONS.		
In justice's court, when transcript to be filed for appeal, . . .	133	1
Amendment relating to adjournments, . . .	134	1
Proceedings relating to judgment, . . .	135	1
Process in criminal cases, and of fees, . . .	136	1
District judges may try issues of law and fact in vacation, . . .	136	1
Exemption of laborers' wages from attachment, &c., . . .	137	1
How service in civil actions may be made, . . .	138	1
Concerning certificates of sale in foreclosure by action, . . .	139	1
Compensation allowable to experts when witnesses, . . .	142	1
ADJUTANT GENERAL.		
Authorized to complete the revision of war records, . . .	164	
AID TO SUFFERERS BY FIRE, &c.		
To whom offered and for what purposes, . . .	165	1
Proceedings to obtain aid, . . .	165	2
Claims to be forwarded to the Governor, . . .	166	3
Duty of the Governor, . . .	166	4
State Auditor to certify amount of each allowance, . . .	166	5
State Auditor to transmit certificates to county treasurer, . . .	167	6
Appropriation, . . .	167	7
Claims to be paid <i>pro rata</i> , . . .	167	8
APPORTIONMENT, CONGRESSIONAL.		
Number of districts, . . .	74	1
What constitutes the first district, . . .	75	2
What constitutes the second district, . . .	75	3
What constitutes the third district, . . .	75	4
APPORTIONMENT, LEGISLATIVE.		
Law relating to, amended, . . .	163	1
APPROPRIATIONS.		
For geological and natural history survey, . . .	89	9
For revision of war records, . . .	164	1
For sufferers by fire and storm, . . .	167	7
For legislative expenses, 1873, . . .	168	1
For deficiency for public paper, . . .	168	1
For deficiency for repairing capitol, . . .	168	1
For deficiency for conveying convicts to state prison . . .	168	1
For deficiency for incidental expenses of sup. court . . .	168	1
For deficiency for incidental expenses and <i>per diem</i> of attorney general, . . .	168	1
For salaries of state officers and assistants, . . .	170	1
For executive contingent fund, . . .	172	1
For contingent fund of secretary of state, . . .	172	1
For contingent fund of auditor of state, . . .	172	1
For contingent fund of treasurer of State, . . .	172	1

	PAGE.	SEC.
For contingent fund of attorney general, . . .	172	1
For contingent fund of superintendent of public instruction, . . .	172	1
For contingent fund of railroad commissioner, . . .	172	1
For contingent fund of adj't general, . . .	173	1
For contingent fund of state librarian, . . .	173	1
For contingent fund of supreme court, . . .	173	1
For printing and binding reports and executive documents, . . .	173	1
For incidental printing for legislature, . . .	173	1
For printing and binding laws and journals, . . .	173	1
For laws in newspapers, . . .	173	1
For printing, binding and advertising for state department, . . .	173	1
For purchasing paper, . . .	173	1
For preparing and indexing laws and journals, . . .	173	1
For two hundred copies of sup. court reports . . .	173	1
For purchase of law books for law library, . . .	173	1
For pay of marshal for supreme court, . . .	173	1
For interest on state loans, . . .	173	1
For immigration, . . .	173	1
For conveying criminals to state prison, . . .	173	1
For appraising, selecting and selling state lands, . . .	173	1
For support of historical society, . . .	178	1
For repair of the capitol, . . .	174	1
For heating and lighting, . . .	174	1
For express charges in remitting state funds, . . .	174	1
For rent of arsenal, . . .	174	1
For rent of governor's house, . . .	174	1
For expenses of state board of equalization, . . .	174	1
For extra clerk hire in auditor's office, . . .	174	1
For pay of clerk of sup. court in pension cases, &c., . . .	174	1
For storage and transportation of state arms, . . .	174	1
For prosecution of war claims, . . .	174	1
For furniture for the representatives' hall, . . .	174	1
For carpet for state library, . . .	174	1
To librarian, for extra labor, &c., . . .	174	1
For thirty copies general statutes, . . .	174	1
For freight on safe, . . .	174	1
For safe . . .	174	1
For furniture for senate chamber, . . .	174	1
For current expenses of state prison, . . .	175	1
For salaries of officers of state prison, . . .	175	1
For deficiencies for construction of prison, . . .	175	1
For support of insane, . . .	176	1
For further completion of hospital for insane, . . .	177	1
For support of institute for deaf and dumb, . . .	178	1
For erection &c., of shops for state reform school . . .	182	1
For support of state reform school, . . .	179	1
For maintenance of soldiers' orphans, . . .	180	1
For support of first normal school, . . .	181	1
For support of second normal school, . . .	181	2
For support of third normal school, . . .	181	3
For indebtedness of first normal school for insurance, . . .	188	1
For salary and expenses of railroad commissioner, . . .	183	1
To E. P. Evans, for claim against the United States, . . .	184	1
To Jesse M. Thurston, for claim against the U. S., . . .	184	1
To Jonathan T. Furber, for claim against the U. S., . . .	184	1
To Horace C. Capwell, for claim against the U. S., . . .	184	1
To J. K. Mead, for claim against the United States . . .	184	1

	PAGE.	SEC.
To Joshua Burgies, for claim against the U. S.,	184	1
To Joseph N. Cheeney, for claim against the U. S.,	184	1
To Sumner Clark, for claim against the U. S.,	184	1
To W. J. Duly, for claim against the U. S.,	184	1
To Frank C. Nickerson, for claim against the U. S.,	184	1
To Wm. D. Smith, for claim against the U. S.,	184	1
To James P. Gail, for claim against the U. S.,	185	1
To Wm. R. McMahon, for claim against the U. S.,	185	1
To William Wait, for claim against the U. S.,	185	1
To Eugene McNeal, for claim against the U. S.,	185	1
To L. C. Harrington, for claim against the U. S.,	185	1
To S. Ferguson, for claim against the U. S.,	185	1
To Sumner C. Clark, for claim against the U. S.,	185	1
To Capt. H. M. Davis, for arresting, &c., disorderly Indians,	185	1
To city of Duluth, for expenses in defending a suit,	186	1
For contribution to the Washington monum't society,	187	1
To Julia Brown Adams, for boarding and care of sick soldiers,	187	1
To Ira Myrick, for boarding soldiers at Le Sueur,	188	1
To Robert Travis, for boarding soldiers at Le Sueur,	188	1
To Cyrus Myrick, for boarding soldiers at Le Sueur,	188	1
To reimburse Pope Co. for expenses of a prosecution,	189	1
To reimburse Floyd Smith,	190	1
ASSESSORS.		
Relating to appointment of,	92	1
ATTACHMENT.		
Wages of laboring man exempt from,	137	1
ATTORNEY GENERAL.		
Duties relating to insurance. (See <i>Insurance</i> .)		
To revise (with others) the laws of the State,	89	1
AUDITOR OF COUNTY.		
(See <i>County Auditor</i> .)		
AUDITOR OF STATE.		
With others, to revise tax laws,	89	1
Duties of respecting aid to sufferers by fire, &c.,	166	5
To draw warrant for prison improvements,	175	1
To draw warrant for support of insane,	176	1
Duties concerning the completion of Insane Asylum,	177	
To draw warrants for support of deaf and dumb,	178	
To draw warrants for Normal Schools,	181	4
To draw warrants for insurance of first normal,	182	1
To draw warrants in favor of the county of Pope,	189	2
To draw warrants in favor of Floyd Smith,	190	3
BOARD OF HEALTH.		
(See <i>State Board of Health</i> .)		
BOUNTY FOR DESTROYING WOLVES.		
County commissioners may grant,	84	1
How destruction to be proved,	85	2
Head destroyed; county paid, how,	86	3
Record of counties,	85	4

	PAGE.	SEC.
BURYING GROUNDS.		
Title to the lots in, in whom vested, - - -	90	1
CANADA THISTLES.		
A common nuisance, - - - - -	97	1
Penalty for allowing to go to seed, - - - - -	97	2
Penalty for neglecting to destroy, - - - - -	97	3
Prosecutions to be before justice of the peace, - - -	98	4
Fines to go to town treasury, - - - - -	98	5
Appeals lie to district court, - - - - -	98	6
CARLTON COUNTY.		
Term of district court, when held, - - - - -	109	1
CASS COUNTY.		
Declared organized, - - - - -	145	1
Commissioners to be appointed and qualify, - - -	145	2
Duties of the commissioners, - - - - -	145	3
CATTLE THIEVES.		
Compensation for arrest of, - - - - -	94	1
CEMETERIES.		
In whom is vested the title to lots in, - - - - -	90	1
CERTIFICATES TO TEACH.		
How obtained for common schools, - - - - -	47	1
First grade, what requisites for, - - - - -	48	2
Of county superintendent, valid in independent school district, - - - - -	49	1
Normal School diploma equivalent to, - - - - -	50	1
CHANGE OF NAMES.		
District courts have exclusive right to make, - - -	93	1
Manner of application for, - - - - -	93	2
Action of court and clerk upon, - - - - -	93	3
CHATTEL MORTGAGES.		
How they may be discharged of record, - - - - -	129	1
CITY ELECTIONS.		
Amendment to law concerning, - - - - -	161	1
CLAY COUNTY.		
Organization of and location of county seat, - - -	146	1
Appointment and qualification of commissioners, - -	146	2
Duties of same, - - - - -	146	3
COMMISSIONERS, TO LAY OUT ROADS.		
(See <i>Public Roads</i> .)		
COMMISSIONERS, TO TAKE TESTIMONY.		
Special commissioners to be appointed, when, - - -	95	1
Shall take oath, - - - - -	95	2
Shall administer oath to witness, - - - - -	95	3
Fees of commissioners and how paid, - - - - -	95	4
Fees of commissioners heretofore appointed, - - -	96	5
Fees allowed witness and counsel before, - - - - -	96	5

INDEX.

265

	PAGE.	SEC.
CONTAGIOUS DISEASES.		
Duty of boards of health in case of, ...	126	1
CONTESTED ELECTIONS.		
To the Legislature, ...	122	1
To a county office, ...	123	2
CONSTITUTIONAL AMENDMENTS.		
To Article IX., new state loan, ...	57	
To Sec. 3, Article X., liability of stockholders, ...	59	
To Article IX., limiting taxing power, ...	60	
To Article IV., concerning internal improvement lands, ...	62	
CONVEYANCES.		
Of real property with one subscribing witness legalized, ...	99	1
CORPORATIONS.		
Cemetery associations, where included, ...	113	1
Proceedings for commissioners to condemn property to use of, ...	114	1
Notice of same, how to be served, ...	115	2
Adjournment of proceedings, ...	116	3
Appointment and qualification of commissioners, ...	116	4
Repeal of section 18 of former law, ...	116	5
Duties of commissioners, ...	116	6
Notice of meetings, ...	117	7
Repeal of section 24 of former law, ...	117	8
"Society," definition of the word, ...	118	1
CLERK OF SCHOOL DISTRICT.		
Duties of, in calling school meetings, ...	46	1
Duties of, in drawing orders, procuring blanks &c., ...	52	1
COUNTY AUDITOR.		
To furnish books and blanks to school district clerks, ...	52	1
Duty relating to tax levy for 1872, ...	72	2
Duties relating to taking proof of killing of wolf, ...	85	2
Duties relating to destruction of head and scalp and payment of bounty, ...	85	3
Must keep record of all orders drawn and present to county board, ...	85	4
When to appoint township assessor, ...	92	1
Duties relating to canvass of votes in certain counties, ...	121	1
COUNTY COMMISSIONERS.		
To approve appointment of deputy superintendent of schools, ...	54	1
When to approve commitment to State Reform School, ...	83	2
When not necessary for, to approve commitment, ...	83	3
Authorized to give bounty for destruction of wolves, ...	84	1
Duties of relating to pay for arrest of horse thieves, ...	94	1
Duties of relating to fees of counsel before commissioners to take testimony, ...	96	5
Time for annual statement of, changed, ...	125	1
COUNTY SUPERINTENDENT OF SCHOOLS.		
To hold meetings for examination of teachers, ...	47	1

	PAGE.	SEC.
For first grade certificates, what examination to be,	48	2
May examine teachers for independent school districts,	49	1
To file abstract of number of school children,	51	1
To be allowed a deputy,	54	1
To pay deputy how,	54	2
COUNTY TREASURER.		
Duty of when county order unpaid for want of funds,	52	1
COURT COMMISSIONER.		
Duties of, relating to alleged insane person,	66	1
Fees to be allowed by, in such case,	68	4
Fees allowed, in such case,	68	5
DISTRICT COURT.		
When to approve commitment to State Reform School,	83	3
Have exclusive right to change names of persons,	93	1
Manner of application for change of name,	93	2
Procedure in court and by clerk,	93	3
When may appoint road commissioners,	100	1
Shall receive report of same, &c.,	101	5
General term in Pine county,	105	
General terms in Winona, Houston and Olmsted counties,	106	
General term in fifth judicial district,	107	
General term in seventh judicial district,	108	
General term in Carlton county,	109	
General term, eighth judicial district,	110	
Third district, how constituted,	111	1
Fifth district, how constituted,	111	2
Tenth district, how constituted,	111	2
General term in Chippewa county,	112	1
Duties of in regard to condemning private property for public uses,	116	4
Judges may try issues of law and fact in vacation,	136	1
Judges may allow fees to experts when witnesses,	142	1
EDUCATION.		
Act relating to amended, relating to special school meetings,	46	1
County superintendent's duty respecting examination of teachers,	47	1
For first grade certificate, what examination,	48	2
County superintendents may examine teachers for independent districts,	49	1
No charge for tuition of normal scholars for such as engage to become teachers,	50	1
Duty of county superintendent respecting abstract of schoolable children,	51	1
Concerning orders on the treasury, and registers,	52	1
State superintendent to furnish registers,	53	2
Revision of school laws to be made,	53	1
Act relating to University (See <i>University of Minnesota</i>)	55	
ELECTIONS.		
Returns of votes for members of the Legislature,	121	1
How to contest an election to the Legislature,	122	1
How to contest an election to county office,	123	2

INDEX.

267

	PAGE.	SEC.
ESTATES OF INTESTATES.		
What shall be the distribution of personal estate, -	131	1
EXECUTOR'S SALES, &c.		
Notice of sale to be posted and published, -	132	1
Manner of sale, -	132	2
EXEMPTIONS.		
Wages of laborers exempt from attachment, &c., -	137	1
FENCES.		
Railroad companies must build fences and cattle-guards, -	79	1
Liability of companies for negligence, -	79	2
Double damages, in what case, -	79	3
Treble damages, when, -	80	4
FISH, PRESERVATION OF, (<i>See game.</i>)		
FLOYD SMITH,		
Appropriation to re-imburse, -	190	1
Governor to appoint auditing committee, -	190	2
Duty of state auditor, -	190	3
FORECLOSURES,		
Of the execution and record of certificates of sale in, -	129	1
FRANKLIN COUNTY.		
Establishment and boundaries of, -	147	1
Location of county seat, -	148	2
Vote upon boundaries, when to be taken, -	148	3
What ballot to be used, -	148	4
Canvass of votes, -	148	5
Return of the canvassed votes, -	148	7
Collection of taxes in the territory, -	149	6
Appointment and qualification of commissioners, -	149	8
Duties of commissioners, -	149	9
Duty of register of deeds concerning records, -	149	10
FREIGHT AND PASSENGERS.		
Duties of railroad companies relating to carrying freight, -	77	1
Duties of companies relating to transfers of passengers and baggage, -	78	1
GAME, PRESERVATION OF,		
Catching certain fish during certain season prohibited within certain counties, -	143	1
Penalty for violation of the act, -	144	2
Where prosecutions to be commenced, -	144	3
Duties of supervisors and constables, -	144	4
Amendment to law concerning, -	162	1
GEOLOGICAL AND NATURAL HISTORY, SURVEY,		
By whom to be begun and carried on, -	86	1
Geological survey what to determine, -	86	2
Natural History survey what to include, -	86	3
Order of examination what to be, -	87	4

	PAGE.	SEC.
Meteorological statistics to be collected, &c.	87	5
Specimens to be prepared, and how used.	87	6
Geological map to be made,	87	7
Report to be annually made,	88	8
Appropriation,	88	9
GOVERNOR OF STATE.		
To appoint insurance commissioner,	22	1
To be a regent of the State University,	55	2
To appoint seven physicians a board of health	64	1
Duty of, in case of insane convicts,	70	3
HEALTH, BOARD OF. <i>(See State Board of Health.)</i>		
HORSE THIEVES.		
Compensation to persons for arrest of,	94	1
HOSPITAL FOR INSANE.		
Proceeding for commitment to; form of commitment,	66	1
Private patients, how secured admission,	67	2
Definition of the term "destitute,"	68	3
Fees allowed for examining and conveying patient to hospital,	68	4
Fees of judge of probate,	68	5
How patient shall be discharged,	68	6
Chronic and harmless cases temporarily treated, how,	66	7
Convicts supposed to be insane, to be examined,	70	1
Insane convicts to be reported to the governor,	70	2
Governor may commit them to hospital,	70	3
Form of commitment,	71	4
When cured, how treated,	71	5
HOUSE OF REPRESENTATIVES.		
Concerning the organization of,	124	1
Office of fireman abolished,	125	2
INDEPENDENT SCHOOL DISTRICTS.		
Examination of teachers may be made by county superintendent,	49	1
INSANE.		
Proceedings to commit to asylum, form of com'tm't,	66	1
How private patients secured admission	67	2
What persons are "destitute" under the law,	68	3
Fees for examination and conveying patient to hosp.,	68	4
Fees of judge of probate,	68	5
Patients discharged, how,	68	6
Chronic and harmless cases, treated how,	68	7
Convicts supposed to be insane, examined how,	70	1
Case of insane convict to be reported to governor,	70	2
Governor to order commitment to hospital,	70	3
Form of commitment,	71	4
If cured, what to be done,	71	5
Good behavior how allowed,	71	6
INTESTATES.		
Distribution of personal estate of,	131	1

INDEX.

269

INTOXICATING LIQUORS.

(See *Sale of Intoxicating Liquors.*)

PAGE. SEC.

INSURANCE.

TITLE I.

Object of the act and how it is to be construed, . . .	20	1
Meaning of the words "the substantial provisions of this act." . . .	20	2
Restrictive laws of other states imposed on their companies, . . .	21	3
Definition of the term "company," . . .	21	4
Definition of the term "American company," . . .	21	5
Definition of the term "company of a state, etc." . . .	21	6
Definition of the term "commissioner," . . .	21	7
Definition of the term "oath," . . .	21	8
Definitions of the terms "directors," "officers," "agent" or "agents," . . .	21	8

TITLE II.

Insurance commissioner, by whom and for what term appointed, . . .	22	1
Who may not be appointed—his bond, . . .	22	1
Salary of, punishment for receiving other pay, . . .	22	2
Duties of, defined, . . .	22	3
1. To see insurance laws executed, . . .	22	3
2. To file every charter of a company, . . .	22	3
3. To calculate net value of policies of life insurance, . . .	23	3
4. To calculate net value, in what manner, . . .	23	3
5. To stop the business of companies below the standard of legal safety, . . .	23	3
6. To see that companies have sufficient legal securities, . . .	23	3
7. To accept valuations of commissioners of other states, . . .	23	3
8. To require detailed lists of policies and securities, . . .	24	3
9. To calculate reinsurance reserve for fire insurance companies, . . .	24	3
10. To calculate same in marine and inland companies, . . .	24	3
11. To enforce standard of legal safety for fire companies, how, . . .	24	3
— To examine details of business, when, . . .	25	3
12. To cause rigid examination of life companies below safety standard, . . .	25	3
13. To protect policy holders according to law, . . .	26	3
14. To publish result of his examination, . . .	26	3
15. To suspend business of any company in certain events, . . .	26	3
16. To close affairs of insolvent companies, . . .	26	3
17. To report violation of law, . . .	26	3
18. To furnish necessary blanks, . . .	26	3
19. To keep record of his proceedings, etc., . . .	26	3
20. To give certified copies of his papers, . . .	26	3
21. To report annually to legislature, . . .	26	3
22. To distribute his report, . . .	27	3
23. To communicate to other commissioners when requested, . . .	27	3
24. To adopt seal and file description thereof . . .	27	3

	PAGE.	SEC.
26. To see that life policies are only issued by life companies, ...	27	3
Powers of, ...	27	4
1. To have access to books of insurance companies in this state, ...	27	4
2. To examine any person under oath, ...	27	4
3. To investigate affairs of any company, ...	27	4
4. To revoke or modify any certificate, ...	27	4
5. To institute suits, ...	27	4
Penalty for obstruction of, ...	28	5
Authentication of papers by, and their use, ...	28	6
Fees to be paid, ...	28	7
Excess of expense over fees of commissioner, how collected, ...	29	8
Transfer of securities, duty of State Treasurer, ...	29	9
Records to be verified, how, ...	29	10
TITLE III.		
Contracts of insurance unlawful, except when, ...	29	1
Life insurance companies must be such exclusively, ...	29	2
Insurance charters, when operative, ...	29	3
Investments, how to be made, ...	30	4
Dividends, how to be paid, ...	30	4
Capital paid and invested, how to be shown, ...	30	5
Conditions before beginning business, ...	30	6
Agents must have a certificate of the commissioner, ...	31	7
Company's location and amount at risk to be stated	31	8
What real estate may be purchased or held, and how long, ...	31	9
Securities to be compared with the record, ...	32	10
Penalty for violation of law, and for false representations, ...	32	11
Annual statement, when to be made and published, ...	33	12
Annual statements, what to contain, ...	33	13
Other statements may be required	35	14
Statement how verified, ...	35	15
Business suspended for lack of statement, ...	35	16
Penalty for willful neglect to make statement, ...	35	17
Penalty for making false statement, ...	35	18
Commissioner may defer publishing statement, ...	36	19
Receiver or trustee must make statements, ...	36	20
Service of legal process, stipulation as to, ...	36	21
Stipulation as to process irrevocable, ...	36	22
What is personal service, and what evidence thereof, ...	36	23
Commissioner to send certified copy to company, ...	36	24
What term "process" includes, ...	37	25
Revocation of authority on non-satisfaction of judgment, ...	37	26
Duties transferred from state treasurer to commissioner, ...	38	27
What tax insurance companies shall pay, ...	38	28
Responsibility of agents, penalties for official misconduct, ...	38	29
TITLE IV.		
Capital required of fire and marine companies, ...	39	1
Outside mutual fire companies forbidden, ...	39	2
Limitation as to single risks, ...	39	3
Dividends, how to be made, ...	39	4
Participation in profits, how allowed, ...	40	5
No deposit required in certain cases, ...	40	6
Deposit required of foreign companies, ...	40	7

INDEX.

271

	PAGE.	SEC.
Certificate of deposit in other state sufficient,	40	8
Foreign to take no greater risks than home companies,	41	9
Capital and investment of foreign companies defined,	41	10
Annual certificate to state amount of capital,	41	11
Requirements of inland insurance companies,	41	12
Home companies doing farm business only,	41	13
TITLE V.		
Capital of life insurance companies,	42	1
Securities required of life companies,	42	2
Deposits to be held, how long,	42	3
Certificate of other state commissioner in lieu of deposit,	42	4
Securities surrendered on relinquishment of business,	43	5
Additional securities to be assigned,	43	6
Policies and annuity bonds to be registered,	43	7
Regulation concerning renewal, receipts and cancellation,	44	8
Valuation of policies and withdrawal of securities,	44	9
State not liable except to apply securities,	44	10
Solvent companies to collect interest on deposits,	44	11
Company, under act of Congress, to elect one state, and be governed by the laws of such state, etc.,	44	12
Exemption of mutual home companies,	45	13
TITLE VI.		
Capital of future marine companies,	45	1
No deposit required of companies under similar laws to this,	45	2
Capital required of foreign marine companies,	45	3
Certificate in lieu of deposit,	45	4
JACKSON COUNTY.		
Certain townships detached from,	153	1
Vote to be taken, when and how,	153	2
Return and canvass of votes,	153	3
JUDGE OF PROBATE.		
Duties of, relating to alleged insane persons,	66	1
Fees to be allowed by, in such case,	68	4
Fees allowed in such case,	68	5
When interested in estate, must call whom to act	130	1
Duty concerning first election of officers in a city,	161	1
JUDICIAL DISTRICT.		
Third, how constituted,	111	1
Fifth, how constituted,	111	2
Tenth, how constituted,	111	3
JUSTICE OF THE PEACE.		
Power of, to com't to reform school for incorrigibility,	83	2
Jurisdiction of, in Canada thistle prosecutions,	98	4
Appeals in cases before,	183	1
Adjournments before,	134	1
Proceedings before, relating to judgment,	135	1
Criminal process and fees,	136	
Repeal of law giving jurisdiction to, in adjoining counties,	163	1
LEGISLATIVE MANUAL.		
To be printed before the legislature convenes,	73	1
How many to be printed and how distributed,	74	2
Belongs to third class of printing,	74	3

	PAGE.	SEC.
LIABILITY.		
Of railroad companies for contractor's debts, how secured, - - - - -	82	1
Form of notice and proceedings requisite, - - - - -	82	2
Action to be commenced when, - - - - -	82	3
LOGS AND LUMBER.		
Amendment to law concerning, - - - - -	161	1
MCLEOD COUNTY.		
Townships detached from, - - - - -	156	1
Vote to be taken, - - - - -	156	2
Return and canvass of votes, - - - - -	157	3
MEDICINE AND SURGERY.		
Bodies may be delivered for medical and surgical study, when, - - - - -	75	1
Duties of physicians receiving, such bodies, - - - - -	76	2
How to use such bodies - - - - -	76	3
Penalties for violation of the act, - - - - -	76	4
MURRAY COUNTY.		
Organization and location of county seat, - - - - -	150	1
Election of commissioners, - - - - -	150	2
Duties of said commissioners, - - - - -	151	3
NAMES, CHANGE OF.		
See change of names, - - - - -		
NOBLES COUNTY,		
Townships attached to, - - - - -	153	2
Vote to be taken, - - - - -	153	3
Return and canvass of vote, - - - - -	153	1
Townships detached from, - - - - -	154	1
Vote to be taken, - - - - -	154	3
Return and canvass of votes, - - - - -	155	2
NORMAL SCHOOLS.		
No charge for tuition to such as engage to become teachers, - - - - -	50	1
Revision of law concerning to be made, - - - - -	53	1
OFFENSES AGAINST THE PUBLIC PEACE,		
Penalty of larceny of money, notes, bonds, &c., - - - - -	91	1
ORPHANS HOME.		
Trustees of soldier's orphans to rent building for, - - - - -	141	1
OTTERTAIL COUNTY.		
Townships attached to, from Wilkin county, - - - - -	158	1
Vote upon same when and how taken, - - - - -	158	2
Return and canvass of same, - - - - -	158	3
County of Wilkin attached to for judicial purposes, - - - - -	159	1
PARTNERSHIPS LIMITED,		
Concerning the firm name, - - - - -	119	1
What special partner may do, - - - - -	119	2
Accounting of partners to each other, - - - - -	120	3
Wilful fraud in partnership affairs, - - - - -	120	3

INDEX.

273

	PAGE.	SEC.
PINE COUNTY.		
Change of time of holding term of court, - -	105	1
POPE COUNTY.		
Counties of Stevens and Traverse detached from, -	160	1
PROBATE COURT.		
See Judge of Probate.		
PUBLIC PRINTING.		
Legislative manual in the third class of, - .	74	3
PUBLIC ROADS.		
When may be authorized by district judge, -	100	1
Notice of petition for is required, -	100	2
Powers, duties and pay of commissioners, &c., -	101	3
Duties of surveyor, and his compensation, -	101	4
Report of commissioners to be made, -	101	5
Width of roads and cartways, and cost how paid, -	102	1
Notice to do work on roads—pay for same, -	103	1
RAILROAD COMMISSIONERS.		
Once a year to examine books and accounts of rail- roads operated in this state, - - - -	81	1
Report to legislature, when - - - -	81	2
RAILROAD COMPANIES.		
Duties relating to carrying freight, - - -	77	1
Duties relating to transfers of passengers and baggage, - - - -	78	1
Duty to build fences and cattle guards, - - -	79	1
Liability for neglect, - - - -	79	2
Double damages for refusal to pay actual damages, -	79	3
Treble damages, when, - - - -	80	4
Books and accounts of to be examined, when, -	81	1
How may be made liable for indebtedness of any con- tractor to laborers, - - - -	82	1
Form of notice and proceedings necessary, - -	82	2
Actions to be commenced within what time, -	82	3
RAILROAD LABORERS.		
May make companies liable for debts due from con- tractors, how, - - - -	82	1
Form of notice and proceedings, - - - -	82	3
Actions to be commenced, when - - - -	82	3
REAL ESTATE.		
Conveyances of, with one subscribing witness le- galized, - - - -	99	1
Notice of executor's sale of, sale to be posted and published, - - - -	132	1
Manner of making sale, - - - -	132	2
REVISION,		
Of School laws, - - - -	53	
Of tax laws, - - - -	89	
2		

	PAGE.	SEC.
REXVILLE COUNTY.		
Townships detached from, - - - -	156	1
Vote to be taken, when and how, - - - -	156	2
Return and canvass of votes, - - - -	157	3
ROCK COUNTY.		
Townships attached to, - - - -	154	1
Vote to be taken, when and how, - - - -	154	2
Return and canvass of vote, - - - -	155	3
ROADS, CARTWAYS AND BRIDGES.		
Width of roads and cartways, and cost paid how, -	102	1
Notice to do work on roads, and pay for work, -	103	1
SALE OF INTOXICATING LIQUORS.		
Licensed dealer to give bond not to sell to minors, habitual drunkards, &c., - - - -	127	1
Sureties on bond to be jointly and severally liable, - - - -	127	2
Penalties for selling to minors, school children or inebriates, - - - -	127	3
How penalties to be imposed, - - - -	128	4
Druggists and apothecaries subjected to the act, -	128	5
SALES OF REAL ESTATE BY EXECUTORS, &c.,		
Notice of sale to be posted and published, - - -	132	1
Manner of making sale, - - - -	132	2
SECRETARY OF STATE.		
To prepare and have printed the legislative manual, -	73	1
To have how many printed, - - - -	74	2
Duties of, in organization of house of representatives, -	124	1
SERVICE.		
How may be made, - - - -	138	1
SCHOOL DISTRICTS.		
Special meetings, how called, - - - -	46	1
Clerk's duties regarding orders and registers, -	52	1
Revision of laws to be prepared, - - - -	53	1
SCHOOL REGISTER.		
To be kept by whom, - - - -	52	1
To be furnished by whom, - - - -	53	2
SCHOOL SUPERINTENDENT, COUNTY. (See County Superintendent.)		
SOLDIERS' ORPHANS.		
Trustees of, may rent building for a Home, -	91	1
STATE BOARD OF HEALTH.		
How constituted, - - - -	64	1
Duties of the board, - - - -	64	2
Regular meetings and officers, - - - -	65	3
Duties of Secretary, - - - -	65	4
Salary of secretary and expenses of the board, -	65	5

INDEX.

275

	PAGE.	SEC.
STATE REFORM SCHOOL.		
When children shall be sent to, - - -	83	1
County commissioners' approval necessary when, -	83	2
When approval of district judge is necessary, -	83	3
County may recover expense of maintenance, when, -	84	4
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.		
To furnish school registers, - - -	53	2
To prepare a revision of school laws, - - -	53	1
STATE UNIVERSITY.		
Regents of, to cause geological survey to be made, -	86	1
<i>(See Geological Survey.)</i>		
STEVENS COUNTY.		
Detached from Pope county for judicial purposes, -	160	1
Term of district court fixed, - - -	160	2
Pending suits and proceedings, - - -	160	3
County of Traverse attached to, - - -	160	4
SUFFERERS BY FIRE AND STORM.		
<i>(See Aid to Sufferers.)</i>		
SUPERVISORS OF TOWN.		
Duties concerning offenders against a certain law, -	144	4
SUPREME COURT.		
General terms of, when held, - - -	104	1
SURVEY.		
<i>(See General and Natural History Survey.)</i>		
SWIFT COUNTY.		
Attached to Chippewa county for judicial purposes, -	112	2
TAXES.		
Rate of annual levy of, for state purposes, -	72	2
For state purposes, how entered and denominated, -	72	1
Moneys received in lieu of, how credited, -	72	3
In what funds payable, - - -	73	4
TAX LAWS.		
To be revised, - - -	89	1
Amendment to Sec. 26, Chap. XI, General Statutes, -	191	1
" " 29, " " " " " " -	191	2
" " 30, " " " " " " -	191	3
" " 31, " " " " " " -	191	4
" " 32, " " " " " " -	191	5
" " 35, " " " " " " -	192	6
" " 43, " " " " " " -	192	7
Town board of equalization and its duties, -	193	8
Copy of equalized list of property to be transmitted to auditor, -	195	9
What the list of personal property shall contain, -	196	1

	PAGE.	SEC.
TEACHERS, EXAMINATION OF.		
For common schools, - - - - -	47	1
For independent district schools, - - - - -	49	1
TERMS OF COURT, GENERAL.		
Of Supreme, - - - - -	104	1
Of District for Pine county, - - - - -	105	1
Of District for Winona, Houston and Olmsted counties, - - - - -	106	
Of district for fifth judicial district - - - - -	107	
" " seventh " " - - - - -	108	
" " for Carlton county, - - - - -	109	
" " for eighth judicial district, - - - - -	110	
" " for Chippewa county, - - - - -	112	
TOWNSHIP ASSESSORS.		
Relating to appointment of, - - - - -	92	1
TOWNSHIP ORGANIZATION.		
Law amended relating to contagious diseases in towns, - - - - -	123	1
TRAVERSE COUNTY.		
Detached from Pope and attached to Stevens, - - - - -	160	1
Term of court when held, - - - - -	160	2
Pending suits, - - - - -	160	3
TREASURER OF STATE,		
To what funds to credit certain revenue, - - - - -	72	3
To assist in revising tax laws, - - - - -	89	1
UNIVERSITY OF MINNESOTA.		
Amendments to law relating to :		
Concerning departments in the University, - - - - -	55	1
Concerning the government of the - - - - -	55	2
Concerning the voting members, - - - - -	56	3
" the secretary, - - - - -	56	4
" the vice president, - - - - -	57	5
" the annual report of board of regents, - - - - -	57	6
" the president, - - - - -	57	7
WILKIN COUNTY.		
Organization and boundaries of, - - - - -	151	1
Location of county seat of, - - - - -	152	2
Appointment and qualification of commissioners, - - - - -	152	3
Duties of land commissioners, - - - - -	152	4
Townships detached from and attached to Ottertail, - - - - -	158	1
Detached from Douglas and attached to Ottertail, - - - - -	159	1
Concerning suits and judicial proceeding, - - - - -	159	2
WITNESSES,		
Experts may be allowed reasonable fees, - - - - -	142	1
When may be held on personal recognizances, - - - - -	142	1
WOLVES,		
See bounty for destroying wolves.		





SPECIAL LAWS

OF THE

STATE OF MINNESOTA,

PASSED DURING THE

FOURTEENTH SESSION OF THE STATE LEGISLATURE,

**COMMENCING JANUARY SECOND, ONE THOUSAND EIGHT HUNDRED
AND SEVENTY-TWO, AND TERMINATING MARCH FIRST, ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.**

ONE THOUSAND COPIES ORDERED PRINTED.

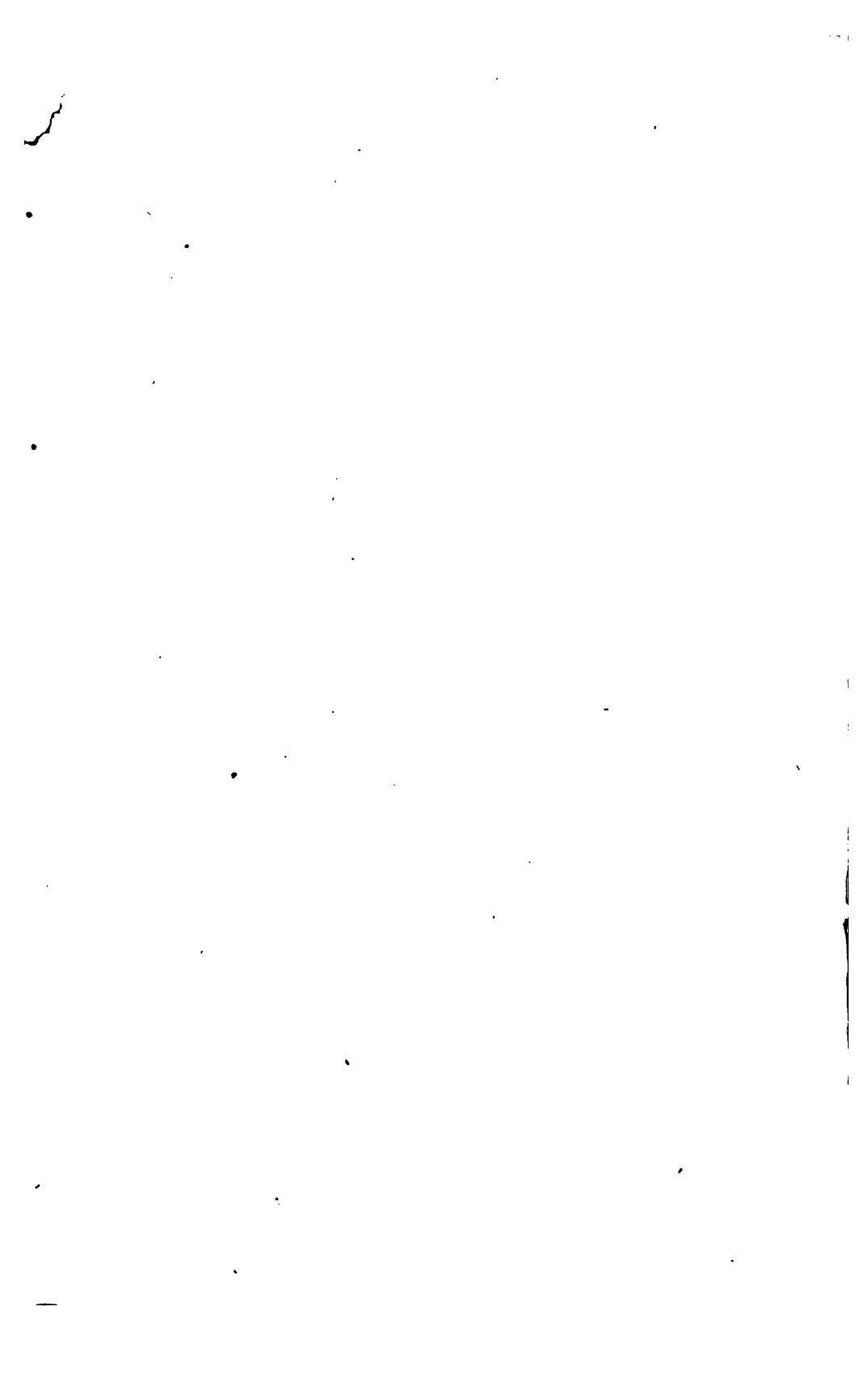
SAINT PAUL:

RAMALEY, CHANEY & CO., PRINTERS.

1872.

J. B. CHANEY,
STATE PRINTER.

INDEX.



GENERAL INDEX.

CHAPTER.	PAGE.
I.—To amend the charter of the city of Saint Paul,	17
II.—To amend an act entitled "An act to authorize the city of St. Paul to levy assessments for local improvements," approved March 6, 1871,	23
III.—To amend an act entitled "An act relative to Free Schools in the city of Saint Paul" and the acts amendatory thereof,	42
IV.—To aid in the improvement of Seventh street, Mississippi street and Third street in the city of Saint Paul, and other streets and avenues in said city of Saint Paul,	46
V.—To amend "An act requiring the City Council of the City of Saint Paul to accept the dedication of streets in new additions, and for other purposes," approved March 6, 1871,	48
VI.—In relation to the vacating of streets, alleys and public squares in the city of St. Paul,	49
VII.—Supplemental to an act entitled "An act to authorize the city of Saint Paul to establish a system of sewerage for said city," approved February 24th, 1869,	50
VIII.—To authorize the City of Saint Paul to issue bonds to purchase public park grounds and for other purposes,	51
IX.—To enable the city of St. Paul to consolidate and fund the debt of the same,	54
X.—Consolidating the cities of Saint Anthony and Minneapolis and incorporating the same into one (1) city by the name of Minneapolis,	56
XI.—To authorize the Incorporation of the City of Fari-bault,	92

CHAPTER.	PAGE.
XII.—To authorize the city of Mankato to make Local Improvements and to levy Assessments therefor,	125
XIII.—To incorporate the Village of Dodge Centre,	140
XIV.—To incorporate the Village of Fergus Falls,	159
XV.—To incorporate the City of Lake City,	175
XVI.—To incorporate the village of Jordan, in the County of Scott and State of Minnesota,	209
XVII.—To amend the charter of the city of Wabashaw,	219
XVIII.—To amend Section Two, Chapter Eight, Special Laws for one thousand eight hundred and sixty-nine, relating to the village charter of Lanesboro,	220
XIX.—To amend Chapter Thirty of the Special Laws of eighteen hundred and sixty-eight, relating to the village of Brownsville,	221
XX.—To amend an Act entitled an Act to incorporate the Town of Freeborn, approved August twelfth, one thousand eight hundred and fifty-eight,	224
XXI.—To amend an Act entitled "An Act to incorporate the village of Kasson,"	226
XXII.—To legalize the Amended Plat of the Town of Warsaw, in the County of Rice, and the filing of the same,	229
XXIII.—To amend the Charter of the Borough of Henderson, in the County of Sibley,	230
XXIV.—To incorporate the village of Litchfield,	233
XXV.—To incorporate the Village of Spring Valley in the county of Fillmore,	246
XXVI.—To incorporate the village of Farmington,	262
XXVII.—Granting certain powers to the Supervisors of the Town of Anoka,	269
XXVIII.—To amend an act entitled "An act to incorporate the Village of Chatfield," approved March (6th) sixth, Eighteen Hundred and Seventy-one,	277
XXIX.—To amend Sections Three and Four of Chapter Nine of the Special Laws of Eighteen Hundred and Seventy-one, relating to the Village of Hokah in Houston County,	278
XXX.—Providing for the Establishment of a Sinking Fund for the City of Mankato,	280
XXXI.—To amend an act incorporating the city of Mankato, approved March 6th, 1868,	282

GENERAL INDEX.

VII

CHAPTER.	PAGE.
XXXII.—To amend an act to incorporate the City of Shakopee, - - -	283
XXXIII.—To amend an act entitled "an act to incorporate the Village of Caledonia," - - -	286
XXXIV.—To amend Chapter One, of the Special Laws of 1871, entitled "An Act to amend an act entitled an act to incorporate the Village of Austin, approved March 6, 1868, and all acts amendatory thereof," - - -	288
XXXV.—To amend an act entitled "An Act to incorporate the City of Duluth, Minnesota," approved March 4, A. D. 1870, - - -	292
XXXVI.—To incorporate the Village of Blue Earth City, in the County of Faribault and State of Minnesota, - - -	294
XXXVII.—To amend Chapter Eight of the Special Laws of the year of Our Lord 1867, entitled An Act to reduce the act incorporating the City of Rochester, in the county of Olmsted and the state of Minnesota and the several acts amendatory thereof, and the act to organize a board of education for the city of Rochester and the several acts amendatory thereof to One Act, and to amend the same by adding an additional section to said Chapter Eight, - - -	304
XXXVIII.—To amend an act entitled "An Act to incorporate certain towns in this Territory," approved May 23d, A. D. 1857, - - -	305
XXXIX.—To change the name of the Village of "Greenfield" in the County of Wabashaw, to that of "Kellogg," - - -	306
XL.—To amend an Act entitled "An Act to amend and Revise Chapter Thirty-one of the Special Laws of One Thousand Eight Hundred and Sixty-eight, entitled an Act to incorporate the Village of Waseca," approved February 23, 1871, - - -	307
XLI.—To amend Chapter Twenty-four of the Special Laws of 1871, entitled "An Act to amend an act entitled an act to incorporate the village of East Janesville," approved February 28, 1870, - - -	308
XLII.—To amend Chapter Five of the Special Laws of 1871, entitled an Act to incorporate the Village of Preston, - - -	309

CHAPTER.	PAGE.
XLIII.—To amend the Charter of the City of Owatonna,	310
XLIV.—To Amend Chapter Fifty-four of Special Laws 1871, relating to corporation of the village of Preston,	311
XLV.—Enabling the Towns, Villages and Cities in the counties of Winona, Houston, Fillmore and Olmsted to aid in the Construction of a Railroad from the city of Winona to the State line of Iowa, by Subscription to the capital stock of any corporation or company building said railroad, or by Donations of Money or Bonds of such cities, and providing for the Payment of such subscriptions or bonds and interest by taxation,	312
XLVI.—To authorize Townships, Cities and [Incorporated] Villages in Faribault County to vote a five per cent. tax to aid in the construction of Railroads,	318
XLVII.—Enabling the Cities, Towns and Villages in the counties of Sibley, Nicollet and Blue Earth to aid in the construction of a Railroad from Carver, Carver County, by way of Henderson, St. Peter and Mankato to the State Line of Iowa, by Subscription to the Capital Stock of any Corporation or Company building said Railroad, or by Donations of Money or Bonds of such Cities, Towns and Villages, and providing for the payment of such Subscriptions or Bonds and Interest by Taxation,	321
XLVIII.—Enabling the Cities, Towns and Villages in the counties of Hennepin, Ramsey, Olmsted and Fillmore, to aid in the construction of Railways in said counties,	327
XLIX.—To authorize the City Council of the City of Winona to issue Bonds,	333
L.—To authorize the City of Wabashaw to aid in the construction of Railroads,	334
LI.—To authorize the Town of Chatfield to issue Bonds to aid in the purchase of Depot Grounds and Right of Way for a Railroad through said Town,	336
LII.—Enabling the Cities, Towns and Villages in the counties of Hennepin, Olmsted, Fillmore and Houston, to aid in the construction of a	

GENERAL INDEX.

IX

CHAPTER.

PAGE.

- Railroad from the city of Minneapolis, Hennepin county, to La Crescent, Houston county, with a branch to the state line of Iowa, east of range fourteen, by subscription to the capital stock of any corporation or company building said railroad, or by donations of money or bonds of such cities, towns or villages, and providing for the payment of such subscriptions or bonds and interest by taxation, - - - 338
- LIII.—Enabling the Towns and Cities in, and the counties of Morrison, Todd, Stearns, Pope, Stevens, Traverse and Bigstone, to aid in the Construction of a Railroad from Little Falls in Morrison County, via Sauk Centre, Glenwood and Morris, to the West Boundary of the State, by subscription to the Capital Stock of any Corporation or Company building such Railroad, or by donations of Money or Bonds of such Towns, Cities or Counties, and providing for the payment of such Subscriptions or Bonds and Interest by Taxation, - - - 344
- LIV.—To authorize the City of Stillwater to issue Bonds to aid in the Construction of a Railroad and Wagon Bridge, - - - 351
- LV.—Enabling the cities, towns and villages in the counties of Wright, Stearns and McLeod, and the towns of Watertown and Hollywood, Waconia and Camden, in Carver, to aid in the construction of branch lines of railroads from the main line of the Minneapolis and St. Louis Railway, within the city of Minneapolis, to Sauk Centre in Stearns county, and via Watertown, Carver county, to Hutchinson or some other points in McLeod county, by subscription to the capital stock of any corporation or company building said railroad, or by donations of money or bonds of such cities, towns and villages, and providing for the payment of such subscriptions or bonds and interest by taxation, 353
- LVI.—To authorize and empower the Board of County Commissioners of the county of Pope to Issue Bonds for certain purposes, 360

CHAPTER.	PAGE.
LVII.—To Repeal Chapter Fifty-two of the Special Laws of the State of Minnesota, approved February 27, 1871, being an Act Entitled an Act to authorize the City of Winona to Aid in the Construction of the Winona and Southwestern Railroad, -	362
LVIII.—To Authorize the County Commissioners of Becker County to issue Bonds. -	363
LIX.—Authorizing the Town of Little Falls to purchase Depot Grounds for the use of the Branch Line of the St. Paul and Pacific Railroad, -	364
LX.—To authorize the County Commissioners of Crow Wing County to issue Bonds, -	365
LXI.—To authorize the County Commissioners of the County of Todd to issue Bonds for the erection of County Buildings, -	367
LXII.—Enabling the Towns and Cities in the County of Wabasha in the construction of a Railroad from some point near the foot of Lake Pepin, to run in a Southwesterly direction through said county, -	369
LXIII.—To authorize the City of St. Cloud to issue Bonds to aid in the Construction of the St. Paul and Pacific Railroad through said city, -	375
LXIV.—To authorize the Board of Education of the East Division of the City of Minneapolis to issue Bonds, -	378
LXV.—To authorize and empower the Board of County Commissioners of the County of Blue Earth to issue Bonds for certain purposes, -	379
LXVI.—To establish Pleasant Avenue from the present westerly limits of the City of St. Paul, to a point on the Fort Street extension in Ramsey County, -	382
LXVII.—To authorize the County Commissioners of the County of Redwood to issue Bonds for the erection of County Building, -	384
LXVIII.—To authorize the County Commissioners of Douglas county to issue bonds, -	386
LXIX.—To authorize the Board of Supervisors of the Town of Willmar to issue Bonds for the erection of a Court House at the Village of Willmar, -	388

GENERAL INDEX.

xi

CHAPTER.	PAGE.
LXX.—To authorize the County Commissioners of Jackson County to issue Bonds for the purpose of Building a Court House, -	390
LXXI.—To authorize the County Commissioners of the county of Saint Louis to issue bonds, -	392
LXXII.—Authorizing the Towns of Houston and Yucatan, in the County of Houston, to issue Bonds to aid in the erection of County Buildings in the Village of Houston, -	393
LXXIII.—To authorize the City of St. Anthouy to issue Bonds for the preservation of the Falls of St. Anthony, -	395
LXXIV.—To authorize the city of Le Sueur to issue bonds in aid of building Machine Shops within that city, -	396
LXXV.—To authorize the Village of Caledonia to issue Bonds to aid in the erection of County Buildings at the Village of Caledonia, -	398
LXXVI.—Confirming the action of the City Council of the City of Stillwater, in issuing Bonds for the relief of Sufferers by Fire in Minnesota and elsewhere, -	400
LXXVII.—To authorize the Common Council of the City of Duluth to issue Bonds for certain purposes, -	402
LXXVIII.—Authorizing the city of Minneapolis to borrow Money for certain purposes therein named, -	403
LXXIX.—To authorize the city of Shakopee to issue bonds in aid of building Machine Shops within that city, -	404
LXXX.—To remove the county seat of Cottonwood County from Section Six (6) in the Town of Great Bend, to Windom, -	406
LXXXI.—To remove the county seat of Houston county, -	408
LXXXII.—To locate the county seat of Chippewa county -	410
LXXXIII.—To provide for the removal of the county seat of Otter Tail county, -	411
LXXXIV.—To remove the county seat of LeSueur county -	412
LXXXV.—To vacate the town of Paris, in McLeod county, and attach the same to the town of Hutchinson, in said county, -	414
LXXXVI.—To change the boundaries of the township of Cannon City, and add certain Sections and parts of Sections thereto, -	415

CHAPTER.	PAGE.
LXXXVII.—For the removal of the county seat of Scott county from Shakopee City to the Village of Jordan, in the town of Sand Creek, -	416
LXXXVIII.—To establish the county seat of Lyon county, -	418
LXXXIX.—To remove the county seat of Stevens county from Gager's Station to Morris, -	420
XC.—Removing the county seat of Pine county from Chengwatana to Pine City, -	421
XCI.—Providing for the removal of the county seat of Carver county from Chaska to Benton, in said county, -	423
XCII.—To amend Section Thirteen, of Chapter One Hundred and Thirty-four, of the Special Laws of 1867, relative to the Mississippi and Rum River Boom Company, -	425
XCIII.—To confirm the sale of the line of Railroad of the St. Paul and Chicago Railway Company, extending from St. Paul to La Crescent, and to Authorize the Milwaukee and St. Paul Railway Company, the purchaser thereof, to own and operate the same, -	426
XCIV.—Granting to the Belle Plaine Salt Company land in aid of the work of said Company, -	428
XCV.—To authorize the Davenport and St. Paul Railroad Company to extend the line of its road into Minnesota, -	429
XCVI.—To authorize the Minneapolis and St. Louis Railway Company to build Branch Lines from Minneapolis and other points, to the Southern Boundary of the State, -	431
XCVII.—To amend an act relating to "The School District of the Village of Brownsville." -	434
XCVIII.—To amend the Charter of the Saint Paul Fire and Marine Insurance Company, -	441
XCIX.—To authorize "The St. Paul Working Mens' Building Society" to determine by its by-laws the number of shares each member thereof may hold, -	442
C.—In relation to the Saint Paul and Dubuque Railroad Company, -	442
CI.—To revive and continue An act and the Corporation created by said act entitled "An Act" to incorporate the Winona and La-Crosse Railroad Company, approved February twenty-fifth, one thousand eight hundred and fifty-six, and to amend said act, -	444

GENERAL INDEX.

XIII

CHAPTER.

PAGE.

- CII.—To amend the Charter of the Minnesota and North-Western Railroad Company, - 448
- CIII.—To Amend "An act authorizing the St. Paul Water Company to re-locate its line and extend its works," approved February 8, One Thousand Eight Hundred and Sixty-Nine, - 449
- CIV.—To amend an act entitled "An act to incorporate the Mankato Library Association," 451
- CV.—To authorize the St. Louis River Manufacturing Association to remove obstructions from said River and improve the navigation thereof, - 453
- CVI.—Relating to the Knife Falls Boom Corporation, in Carleton county, - 454
- CVII.—To amend "An act to amend an act entitled 'An act to incorporate the Minnesota Central Railroad Company, approved May 23d, 1857' approved March 9th, 1867," - 461
- CVIII.—To authorize the Chippewa Valley and Lake Superior Railroad Company to construct a Railroad bridge across the Mississippi River, 466
- CIX.—Amending an act entitled "An Act" to authorize the Minnesota Valley Railroad Company to construct a branch line from Mankato or some point near thereto to the south line of Faribault county, Approved March 6th, 1867, - 467
- CX.—To amend an act entitled "An act to incorporate the Sauk Rapids and Sauk River Manufacturing Company," approved May Twenty-third, 1857, and an act amendatory thereof, approved March seventeenth, 1867, 469
- CXI.—In relation to the Cannon River Improvement Company, - 470
- CXII.—To revive, continue and amend an act entitled "An act to revive and continue an act and the corporation created by said act, entitled 'An act to incorporate the St. Paul and St. Anthony Railroad Company,' approved March Second, One Thousand Eight Hundred and Fifty-three, and to amend the said Act,' " approved March 4, 1868, - 471

CHAPTER.	PAGE.
CXIII.—To authorize the Southern Minnesota Railroad Company to construct and operate a Branch from some suitable point on its main line in Faribault county, by way of Blue Earth City to the Iowa State line, -	473
CXIV.—To authorize the Red Wing and Menominee Railroad Company of Wisconsin, to build a Bridge across the Mississippi River at Red Wing, - - - -	475
CXV.—To extend the time within which the Hastings and Dakota Railway Company may build a certain portion of its Railway, -	476
CXVI.—To amend an act entitled a bill to incorporate the Mount Zion Hebrew Association, approved February 26, 1857, -	477
CXVII.—Permitting and confirming the building of a Railroad Bridge across Lake St. Croix by the West Wisconsin Railroad Company, and allowing said company to exercise its corporate powers and privileges within this State, - - - -	478
CXVIII.—Declaring the public use of the St. Paul, Stillwater and Taylor's Falls Railroad Company, - - - -	479
CXIX.—To authorize the St. Paul and Pacific Railroad Company to build a branch line of their road from Sauk Centre to Montevideo, -	480
CXX.—To authorize the First Division of the St. Paul and Pacific Railroad Company to construct a Branch from Little Falls, in Morrison County, through Sauk Centre, Glenwood and Morris, to the west line of the State, - - - -	481
CXXI.—To amend Section four of an act entitled an act to incorporate the St. John Seminary, approved March 6th, A. D. 1857, -	483
CXXII.—To amend an act relative to the branch line of the Lake Superior and Mississippi Railroad, authorized by Section two of the amended act relating to said Railroad Company, approved March 8th, 1861, more definitely locating said Branch, - - -	484

GENERAL INDEX.

xv

CHAPTER.

PAGE.

- CXXXIII.—To authorize the Winona and St. Peter Railroad Company, its successors or assigns, to construct a Branch Road from Waseca, in Waseca county, *via* Blue Earth City, in Faribault county, to the Iowa state line, and for other purposes, - - - 487
- CXXXIV.—To authorize the Minneapolis and St. Louis Railroad Company to construct Branch Lines, and for other purposes, - - - 489
- CXXXV.—To change the name of Addie M. Konts to Addie M. Sawyer, - - - 491
- CXXXVI.—To change the names of John P. Johnson and Magnus Magnuson, - - - 492
- CXXXVII.—To change the name of Elmer Ellsworth Carter to Elmer Ellsworth Eastgate, - - - 493
- CXXXVIII.—To change the name of Louis Oliver Newman, and to make him the heir at law of John E. and Helen M. Lyons, - - - 494
- CXXXIX.—To change the name of Edna Amanda Churchill to Edna Amanda Stephens, - - - 495
- CXXX.—To change the name of the town of Guthrie, Faribault county, - - - 496
- CXXXI.—To change the name of Henry Bork to Henry Meier, and to make him heir at law of Henry Meier, - - - 497
- CXXXII.—To change the name of Minnie Kate Montgomery to Minnie Kate Slocum, and to make her the heir at law of George W. and Louisa Slocum, - - - 498
- CXXXIII.—To change the name of Charles Gilroy to Charles Gilroy Darling, - - - 499
- CXXXIV.—To constitute Elizabeth Ann Stoneman one of the heirs at law of Aletha C. Stoneman, - - - 500
- CXXXV.—To change the names of Edward Keyes Wheelock and Annie Elizabeth Wheelock, - - - 501
- CXXXVI.—To change the names of certain persons therein named, - - - 502
- CXXXVII.—To change the name of Minnie Moore to that of Grace Bebee, - - - 503
- CXXXVIII.—To change the names of certain persons therein named, - - - 504
- CXXXIX.—To change the name of John Eder to John Marty, and to declare him the adopted son and heir at law of John Marty and Anna Maria Marty, his wife, - - - 505

CHAPTER.	PAGE.
CXL.—To change the names of Elling Anderson and Andrew Anderson, Jr., to Elling A. Qualle, and Andrew N. Qualle, -	506
CXLI.—To change the names of persons therein named, residing in Faribault county, -	507
CXLII.—To change the name of Ole Torkelson to that of Ole Shaw, -	508
CXLIII.—To change the name of Edgar Greenwood to that of John Norman Richardson. -	509
CXLIV.—To change the name of the Scandinavian Evangelical Lutheran Church of Red Wing, Goodhue county, Minnesota, -	510
CXLV.—To restore the name of Aitkin county, -	511
CXLVI.—To change the name of White Bear Lake, in Pope county, -	512
CXLVII.—To change the name of Ole Hanson to Ole Hanson Howe, -	513
CXLVIII.—To change the name of Isaac Aslakson to Isaac Anderson, -	514
CXLIX.—To change the names of certain persons therein named, and to constitute them heirs at law of certain other persons therein named, -	515
CL.—To change the name of Northfield College to Carleton College, -	517
CLI.—To change the name of Anna Catharina Margaretha Hell to Anna Margaretha Heinrich, and constitute her the heir at law of William Heinrich and Magaretha Heinrich, -	518
CLII.—To change the name of Thore Torson to Henry Jones, -	519
CLIII.—To change the name of Mary Ann Biggs to Mary Rowena Strafford, and constitute her heir at law of William Strafford, -	520
CLIV.—To change the name of Lewis Wine, and to make him the heir at law of James Keller and Esther J. Keller, -	521
CLV.—To constitute May Wallace Sawyer the adopted daughter and heir at law of Hattie B. Sawyer, -	522
CLVI.—To change the name of Centerville, in Wabasha county, in the state of Minnesota, to Plainview, and legalize certain conveyances therein, -	523

GENERAL INDEX

xvii

CHAPTER.

PAGE.

- CLVII.—To locate a State Road from Ohengwatana, in Pine county, to Brunswick, in Kanabec county, - 524
- CLVIII.—To repeal Chapter one hundred and sixteen (116) of the Special Laws, A. D. 1871, relating to a wagon road in Carleton county, - 525
- CLIX.—To locate and establish a State Road from Henderson, Minnesota, to Beaver Falls, in Renville county, - 526
- CLX.—To locate a State Road from Spunk Lake, in Stearns county, to Burnhamsville, in Todd county, Minnesota, - 529
- CLXI.—To locate and establish a State Road from the borough of Le Sueur, in Le Sueur county, to Rice county, - 530
- CLXII.—To locate, survey and establish a State Road from Princeton, in Mille Lacs county, to Brunswick, in Kanabec county, - 532
- CLXIII.—To authorize the location and establishment of a State Road from Rockford, in Wright county, *via* Delano, to Watertown, in Carver county, - 534
- CLXIV.—To establish a State Road from Faxon, in Sibley county, to Belle Plaine, in Scott county, and from there to a junction with the Faxon and Glencoe State Road, - 536
- CLXV.—To authorize the county commissioners of Sibley county to survey and locate certain roads in said county, - 538
- CLXVI.—To appropriate money to build a Bridge across the Long Prairie river, in Section number twenty-one, Town one hundred and twenty-eight, Range thirty-seven, in Douglas county, - 541
- CLXVII.—To appropriate money to aid the county of Watonwan in the construction of a Bridge across the Watonwan river, in the town of Madelia, in said county, - 542
- CLXVIII.—To appropriate money to aid the county of Yellow Medicine in the construction of a Bridge across the Yellow Medicine river, at Yellow Medicine City, in said county, 544
- CLXIX.—To appropriate money to build a Bridge across Red River, at Fergus Falls, in the county of Otter Tail, - 545

CHAPTER.	PAGE.
CLXX.—To appropriate money to build a Bridge across Little Elk river, at its mouth, in the county of Morrison, - - -	547
CLXXI.—To appropriate money to build a Bridge across the Pommedeterre river, in the county of Stevens, - - -	548
CLXXII.—To appropriate money to build a Bridge across the Chippewa river at Montevideo, in the county of Chippewa, - - -	550
CLXXIII.—To appropriate money to aid the county of Martin in the Construction of a Bridge across the outlet at Tenhassen, in said county, - - -	551
CLXXIV.—To authorize the Clerk of the District Court, 2d Judicial District, to rebind and transcribe certain Records in his office, - - -	553
CLXXV.—Regulating the payment of Delinquent Taxes in the county of Yellow Medicine, - - -	554
CLXXVI.—To enable the county commissioners of Ramsey county to lay out certain Avenues and to regulate their proceedings therein, - - -	555
CLXXVII.—To establish a Court of Common Pleas in the county of Hennepin, - - -	558
CLXXVIII.—Relative to Jurors and their Fees in Ramsey county, - - -	562
CLXXIX.—To authorize W. B. Lutz and W. W. Scott to establish a Ferry across the Mississippi river at the town of Lake City, in the county of Wabasha, - - -	563
CLXXX.—To authorize the council of the village of Northfield to levy a tax, - - -	566
CLXXXI.—To perfect and confirm the title in Stevens' Seminary to certain lands in McLeod county, - - -	567
CLXXXII.—To amend an Act entitled "An Act in relation to the board of county commissioners of Ramsey county," approved March fourth, one thousand eight hundred and seventy-one, - - -	568
CLXXXIII.—To amend an Act entitled "An Act to establish Summit avenue in Ramsey county," approved March 6, 1871, - - -	569

GENERAL INDEX.

XIX

CHAPTER.

PAGE.

- CLXXXIV.—To authorize the county commissioners of Hennepin county to procure an office for the use of the Probate Court of said county, and for the safe keeping of the records of said Court, - - - 571
- CLXXXV.—Allowing citizens of Granby, Courtland and Nicollet, to lower the waters of certain lakes in Nicollet county, - - - 572
- CLXXXVI.—To amend section one of chapter seventy-eight, of the Special Laws of 1871, being an Act to encourage the formation of agricultural clubs, - - - 573
- CLXXXVII.—To authorize the board of county commissioners of Ramsey county to appoint an Abstract Clerk, define his duties and fix his salary, - - - 574
- CLXXXVIII.—To authorize the register of deeds of Kandiyohi county to transcribe records from Stevens county, - - - 576
- CLXXXIX.—To increase compensation of the Judges of the District and Common Pleas Court of Ramsey county, - - - 577
- CXC.—To legalize the actions of John Crapsey, a Justice of the Peace in and for the county of Cottonwood, - - - 578
- CXCI.—To authorize the county surveyor of Stearns county to perfect the town plat of the town of Sauk Centre, - - - 579
- CXCII.—To repeal chapter forty of the Special Laws of 1871, the same being an Act allowing citizens to lower the waters of Lake Elysian, - - - 580
- CXCIII.—To authorize the several towns in the county of Pope to hold land for the purpose of a town cemetery, and to provide for establishing the same, - - - 581
- CXCIV.—To authorize the county auditor of Douglas county to make corrections in grand tax duplicates for said county for year A. D. 1871, and to extend the time for paying personal property tax in said county for said year, - - - 583
- CXCV.—For the relief of Ammi Cutter, - - - 584
- CXCVI.—To organize the town of St. John in Kandiyohi county, - - - 585

- CXCVII.—Limiting the compensation of certain officers of Ramsey county therein named, and prescribing their duties, - - - 586
- CXCVIII.—To legalize the Acts of the register of deeds for Renville county for the year 1871, - 594
- CXCIX.—To permit Lyndale Cemetery Association, of Hennepin county, to purchase and hold for a cemetery for the burial of the dead, one hundred acres of land in addition to the amount allowed in section one hundred and one, of title five, of chapter thirty-four of the General Statutes, and to change the name of said association, 595
- CC.—Authorizing the board of county commissioners of the county of Brown to fix certain fees, - - - 596
- CCI.—To legalize the acts of the commissioners of Douglas county in creating school districts and in altering the boundaries thereof, - 597
- CCII.—To legalize the actions of the county commissioners of Rock county and the assessments of said county for the year 1871, 598
- CCIII.—To authorize the county treasurer of Houston county to collect the delinquent taxes on certain lands in Houston county, with interest thereon, - - - 599
- CCIV.—To amend an Act entitled an Act creating an independent school district in the town of Taylor's Falls, approved March 6th, 1871 600
- CCV.—To amend chapter 15 of the Special Laws of 1864, the same being an Act relating to the Faribault school district, - 601
- CCVI.—To authorize the return of land road warrants in the town of Aurora, and the levy and collection of the unpaid taxes therein mentioned, - - - 602
- CCVII.—To authorize the board of supervisors of the township of West St. Paul, in Dakota county, to levy a special tax against the platted and recorded property constituting the former city of West St. Paul, for the survey thereof with its additions and for other purposes, - - - 603
- CCVIII.—To legalize the transcription of certain deeds in the counties of Chippewa and Swift, 605

GENERAL INDEX.

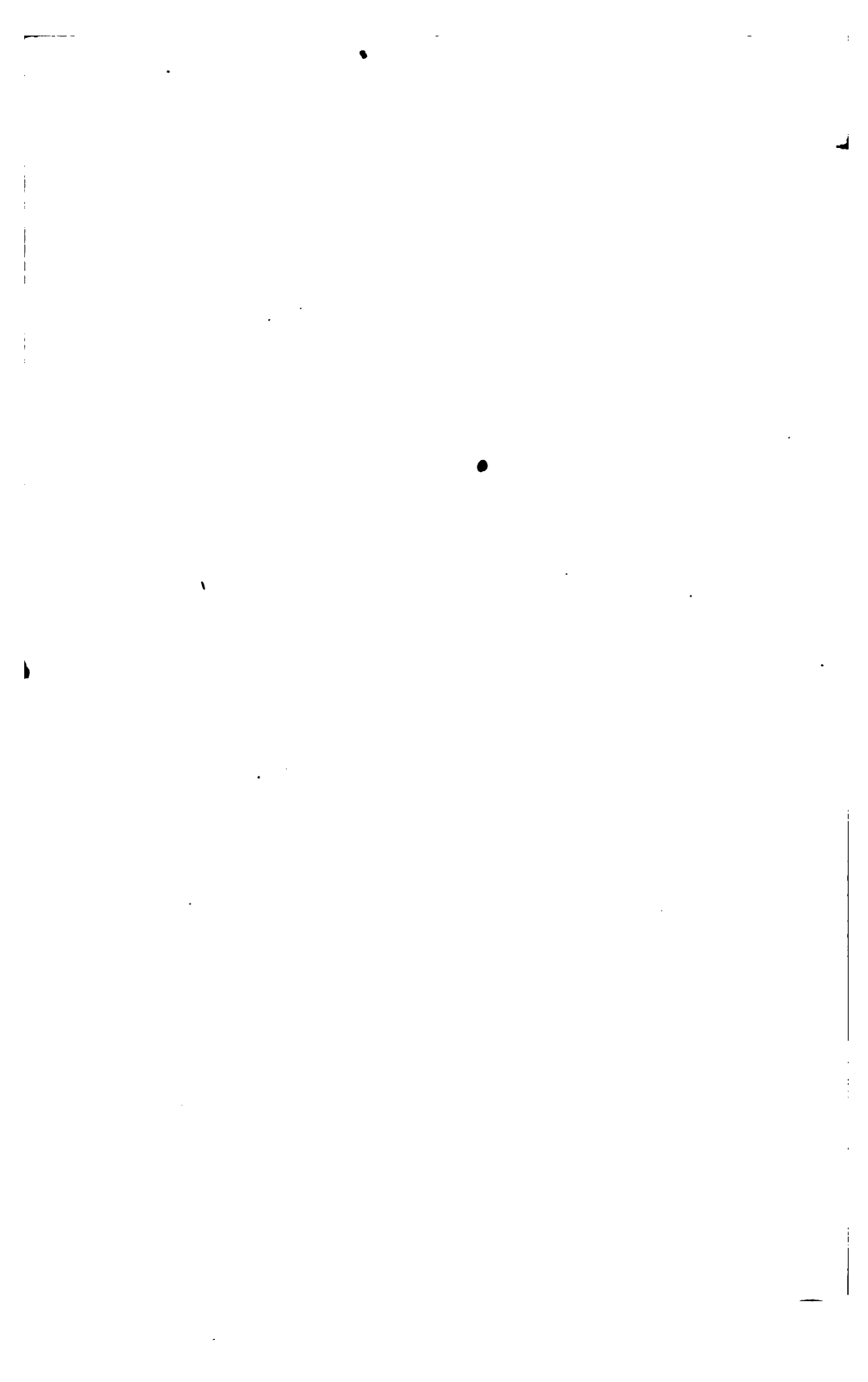
XXI

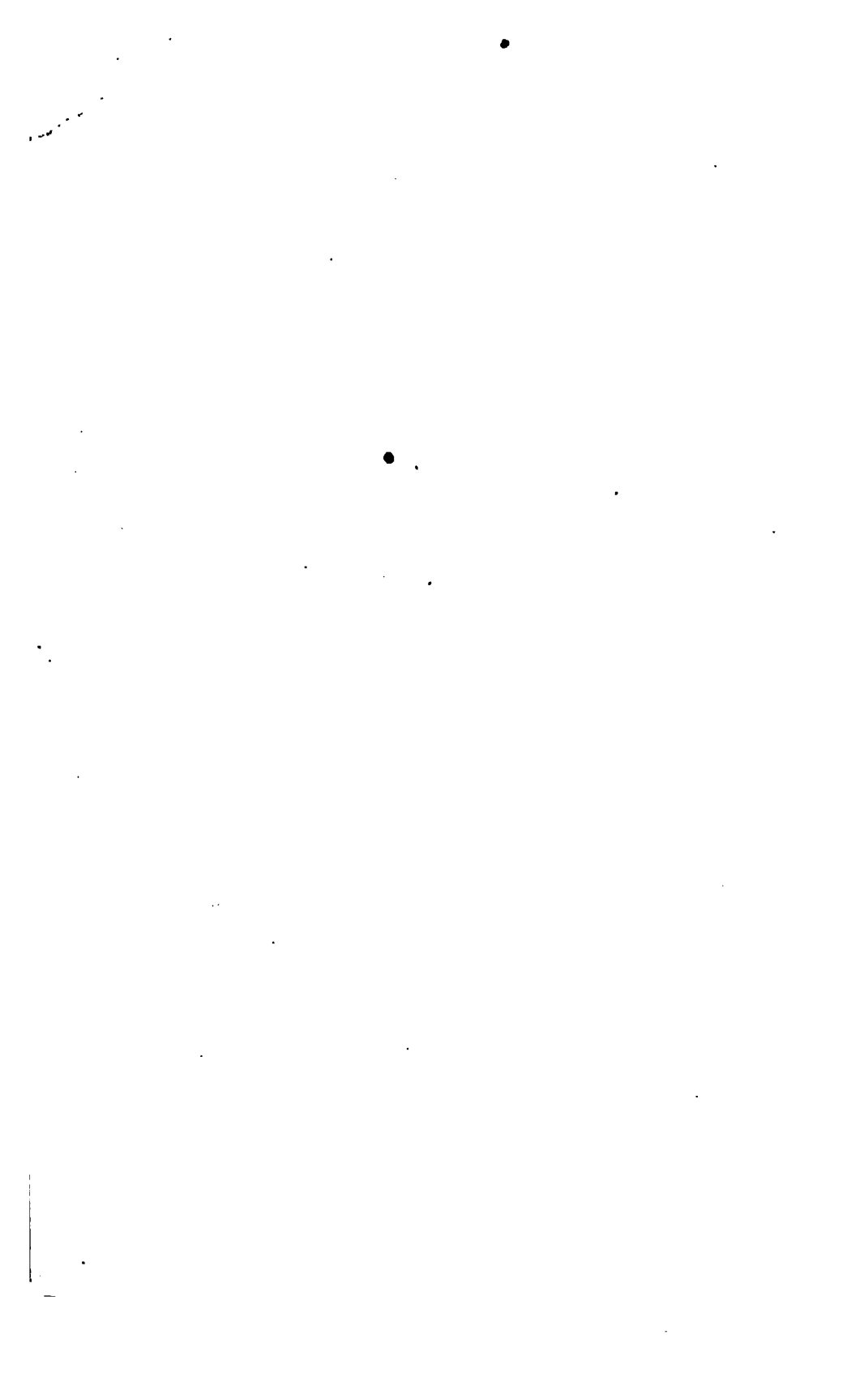
CHAPTER.

PAGE.

CCIX.—Limiting and regulating the salaries of the county auditor and treasurer of the county of Dodge,	- 606
CCX.—To provide for transcribing records relating to real estate in those portions of the counties of Scott and Dakota that were affected by the changing the boundary line under an Act approved March 6th, A. D. 1871,	- 608
CCXI.—Relative to Jurors in Ramsey county,	- 609
CCXII.—To legalize the acts of the religious society known as the First German Evangelical Lutheran Church of Shakopee, and to vest in said society the title in fee to the property heretofore conveyed to said society, by the name of the First German Evangelical Congregational Church of Shakopee,	- 610
CCXIII.—To confirm and make valid the purchase of cemetery grounds by the town of Bloomington, Hennepin county,	- 611
CCXIV.—To authorize the county commissioners of Steele county to appropriate money,	- 612
CCXV.—To legalize the tax voted by school district No. 10, in the county of Martin, for the year 1870,	- 613
CCXVI.—Authorizing the transfer of certain bridges from Hennepin county to the city of Minneapolis, and for other purposes relating thereto,	614







SPECIAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE FOURTEENTH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY SECOND, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AND TERMINATING MARCH FIRST, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

CHAPTER I.

An Act to amend the charter of the city of Saint Paul.

February 29,
1872.

- SECTION 1. Reference to the laws hereby amended.
2. Of the annual election.
 3. Of the elective officers of said city.
 4. Of the qualifications of electors—of judges of election.
 5. Special elections, how conducted.
 6. When term of office to begin.
 7. When office of Street Commissioner shall cease.
 8. When elective office of City Surveyor shall cease.
 9. This act not to affect any law for a Board of Public Works.
 10. Enlargement of the city limits. Assignment thereof to the different wards.
 11. Vacancies, how filled.
 12. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the charter of the city of Saint Paul as comprised in an act entitled "An act to reduce the law incorporating the city of Saint Paul, in the county of Ramsey, and state of Minnesota, and the several acts amendatory thereof into one act, and to amend the same," approved March sixth one thousand eight hundred and sixty-six, as amended by the several acts amendatory thereof shall be amended as follows:

SEC. 2. Section one of chapter two shall be amended so as to read as follows:

Annual election, when held.

Election districts.

Section 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday after the first Monday of November in each year, as now fixed by law for the annual or general elections in this state, or such other day in each year as may hereafter be fixed by law for the holding of the annual or general elections in this state in each election district in said city now or hereafter established, and at such place or places in such election districts as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected. Each ward of said city now or hereafter established, shall be an election district; provided that the common council shall within sixty days after the passage of this act, by ordinance, divide each and every ward of said city now or hereafter established into two or more election districts, which shall be numbered as the first, second, &c., election district of such ward. All annual elections, whether for state and county officers, or city or municipal officers within said city, shall thereupon be held in said election districts; anything in the said charter of said city, or of any general law to the contrary notwithstanding; provided, that such division into such election districts shall be made at least thirty days prior to the election to be held therein respectively; provided, further, that the city election provided for before the passage of this act to take place in the spring of the year A. D. eighteen hundred and seventy-two, shall be held at the time so provided, and that the term of office of the officers so elected at such time, shall commence as provided for before the passage of this act, and said officers so elected shall continue in office until the first day of January, A. D. eighteen hundred and seventy-four, except as otherwise provided in this act.

SEC. 3. Section two of chapter two (as heretofore amended) shall be amended by adding at the end thereof the following proviso:

Provided, that after a board of public works of said city shall be established and organized with power to appoint an engineer, and such engineer shall be so appointed by said board, and be qualified to act, the said office of city surveyor, hereinbefore provided, shall cease from and after the expiration of the term of office of the present city sur-

veyor, on the second Tuesday of April, eighteen hundred and seventy-four, and no election shall be held for such officer last mentioned after his term of office shall expire aforesaid; and provided, that after such board of public works of said city shall be established and organized with power to appoint one or more street inspectors, and such street inspector, or street inspectors shall be so appointed by said board, and be qualified to act, the said office of street commissioner hereinbefore provided, shall cease from and after the expiration of the term of office of the present street commissioners, on the second Tuesday of April, eighteen hundred and seventy-three, and no election shall thereafter be held for such officers last mentioned, and that until the expiration of the term of office aforesaid of said street commissioners, said street commissioners shall act as street inspectors aforesaid, under the direction of the board of public works aforesaid, to the same extent as if appointed street inspectors by the said board.

When certain
offices shall
cease.

SEC. 4. Section six of chapter two shall be amended so as to read as follows:

Section 6. All persons entitled to vote for state and county officers, and who shall have resided for ten days next preceding the election, in the election district where they offer their vote, shall be entitled to vote for any officer elected under this law, and to hold any office hereby created. The common council of said city shall each year, in sufficient time before the annual election, appoint three qualified electors in each election district in said city to be judges of election in their respective districts, for all state, county, city or municipal officers, or otherwise, each of whom shall be of an opposite party, if practicable; and the said judges in each elective district aforesaid, shall appoint two qualified electors in their elective districts respectively, to be clerks of such elective districts respectively, and of an opposite party, if practicable. Said election shall be held and conducted in the manner, and under the same penalties, as required by the laws of the state regarding elections; except that the returns for all city elections shall be made to the city clerk. All vacancies of any of the judges or clerks aforesaid, may be filled by appointment of the said common council, or in case of their omission so to do, by the remaining judges or judge.

Qualifications
of electors—
Judges of elec-
tion.

SEC. 5. Section seven of chapter two shall be amended by striking out the words "aldermen of each ward" and inserting in place thereof "officers appointed in accordance with the preceding section.

Special elec-
tions.

Sec. 6. Section nine of chapter two shall be amended so as to read as follows:

When terms
of office begin.

Section 9. The term of any officer hereafter elected under this law, unless otherwise provided for, shall commence on the first day of January next succeeding his election, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified; and, provided, that the term of office of each elective officer elected at the next spring election aforesaid, shall continue until the first day of January next succeeding the month of April in which his term would otherwise expire under the act of which this act is amendatory, and until his successor is elected and qualified (except where the same is otherwise specifically provided for).

Sec. 7. Section nine of chapter three shall be amended by adding at the end thereof the following proviso:

When office of
street commis-
sioner to cease.

Provided, that after a board of public works of said city shall be established and organized with power to appoint one or more street inspectors, and such street inspector or street inspectors shall be so appointed by said board of public works, and be qualified to act, that the said office of street commissioner shall cease after the expiration of the term of office of the present street commissioners, on the second Tuesday of April; eighteen hundred and seventy-three, and the provisions of this section shall have no further force, except as provided in section two in chapter two.

Sec. 8. Section twenty-one of chapter three shall be amended by adding at the end thereof the following proviso:

When city en-
gineer to suc-
ceed city sur-
veyor.

Provided, that after a board of public works of said city shall be established and organized, with power to appoint an engineer, and such engineer shall be so appointed by said board of public works, and be qualified to act, the said office of city surveyor shall cease after the expiration of the term of office of the present city surveyor, on the second Tuesday of April, eighteen hundred and seventy-four, and the said engineer, so appointed by said board of public works, after the expiration of said term of office of said city surveyor, shall be *ex officio* the city surveyor, and perform all the duties prescribed in this section, and be governed by all the provisions thereof, and his compensation shall be as prescribed by law establishing such board of public works.

Not to affect
another law.

Sec. 9. Nothing in this act contained is intended to repeal, limit, or affect any law which may have been passed, establishing or providing for a board of public works of said city, or any provisions concerning the same.

Sec. 10. That the boundaries and limits of the said city

of Saint Paul shall be enlarged so as to comprise, in addition to the territory therein included, the following described district of country in the county of Ramsey, in the state of Minnesota, to wit:

Enlargement of
city limits.

All of that portion of section four (4) in township twenty-eight (28), north of range twenty-two (22) west, lying northeasterly of the centre of the Mississippi river. All of section thirty-three (33) in township twenty-nine (29), north of range twenty-two (22) west. The south half of sections twenty-eight (28), twenty-nine (29) and thirty (30) in township twenty-nine (29), north of range twenty-two (22) west. The south half of section twenty-five (25), in township twenty-nine (29), north of range twenty-three (23) west. The south half of section twenty-six (26), and all of section thirty-five (35) in township twenty-nine (29) north of range twenty-three (23) west.

All of section eleven (11) and all of section two (2) in township twenty-eight (28), north of range twenty-three (23) west; including the following named islands in the Mississippi river, to wit: Ames, Boal and Lamb's islands, Raspberry, Barnes and Harriet islands.

So much of the portion of the aforescribed enlarged territory of said city of Saint Paul which is not included within the present limits of any of the wards of the said city of Saint Paul, as lies east of the eastern line of the present fifth ward of said city, if prolonged to the northern and southern limits of said enlarged territory, shall (until otherwise changed by the common council of said city) be part of said fifth ward.

Assignment to
wards—fifth
ward

So much of the portion of the aforescribed enlarged territory of said city of Saint Paul which is not included within the present limits of any of the wards of the said city of Saint Paul as lies west of the western line of the present fourth ward of said city, if prolonged to the northern and southern limits of said enlarged territory, shall (until otherwise changed by the common council of said city) be part of said fourth ward.

Fourth ward.

So much of the residue of the portion of the aforescribed enlarged territory of said city of Saint Paul which is not included in the limits of the said fourth and fifth wards, as enlarged aforesaid, and which is not included in the limits of any of the other wards of said city shall (until otherwise changed by the common council of said city) be part of the present second ward of said city of Saint Paul.

Second ward.

All the aforescribed enlarged territory of the said city of Saint Paul shall be within and subject to the jurisdiction

Application of
charter and
ordinances to
new territory.

of the city of Saint Paul, and the said municipal corporation and the charter thereof, and acts of the legislature amendatory of or supplementary to the same or in any way applicable to said city now or hereafter enacted, and the ordinances, by-laws and regulations of said city of Saint Paul now or hereafter ordained and established shall embrace, extend to and apply to the said enlarged territory of said city of Saint Paul and every part thereof and the inhabitants now or hereafter inhabiting said enlarged territory and every part thereof, to the same extent and with like force and effect as the same may or could apply to the said city of Saint Paul and to any part of the territory of said city of Saint Paul contained within the limits of said city, as they existed immediately prior to the passage of this act, provided that no assessment or levy of any tax shall be made upon any part of the property real or personal embraced in the enlarged limits of the city as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. In all assessments or levies of taxes for payment of such indebtedness, the lands and property embraced in such enlarged limits shall be expressly omitted.

SEC. 11. That section four of chapter two shall be amended so as to read as follows:

Vacancies, how
filled.

Sec. 4. Whenever a vacancy shall occur in the office of any elective officer of said city, such vacancy shall be filled by appointment by the common council of said city until the next general election, and the successor of such person so appointed to fill any vacancy aforesaid shall be elected at the next general election for the unexpired term.

Act takes effect

SEC. 12. This act shall take effect from and after its passage.

Approved Feb. 29, 1872.

CHAPTER II.

An Act to amend an act entitled "an act to authorize the city of St. Paul to levy assessments for local improvements," approved March 6, 1871.

February 29,
1872.

- SECTION** 1. Specification of improvements.
2. Expenses, how defrayed.
3. The Board of Public Works, how nominated and elected—term of office—duties—qualification—oath—compensation—organization and powers of appointment of officers—duties and compensation of clerk and engineer—oath, and bond required.
4. Applications for improvements, how to be dealt with.
5. When the board recommend opening, widening or grading, &c., any street, &c., to furnish Council a profile of the improvement.
6. Changes of the Board in section 7 of former act.
7. Meeting of the Board for making assessments—public notice of time and place of meeting to be given.
8. Changes name of Board in sections 9, 10, 11, 12, 13 and 14 of former act.
9. Meetings of the Board to hear objections, and to revise and correct, to confirm or set aside the assessment.
10. Right of appeal.
11. When title to land to vest absolutely in city.
12. Clerk of Board to keep record of all proceedings.
13. Expenses of building sidewalks, how paid.
14. All orders of the Council for grading, filling, leveling, paving, &c., to be transmitted to the Board—expenses, how borne.
15. Of assessments for expenses of improvements enumerated in section 14.
16. Proceedings for revision and confirmation of last named assessment.
17. Of advertising the letting of improvements and of bids.
18. All contracts to be given to the lowest responsible bidder.
19. Auditing and payment of contractors' accounts.
20. Change name of Board in section 30 of former act.
21. Duty of city clerk as to special assessments when confirmed.
22. Penalty for non-payment of assessments.
23. How to collect assessments by judgment of a court.
24. Clerk's fees.
25. Right of redemption.
26. Sales for non-payment of assessments.
27. Interest on redemption money.
28. Interest on judgments under the act.
29. City Treasurer to assign certificate of sale.
30. Appointment and duties of Street Inspectors.
31. The Board of Public Works and their appointees—officers of the city of St. Paul.
32. Acts inconsistent herewith, how far repealed.
33. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Specification of
improvements.

SEC. 1. That section two of said act shall be amended so as to read as follows:

Sec. 2. That such assessment may be made by the said city of Saint Paul for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering, and straightening, any street, lane, alley, or highway, and for keeping the same in repair; also for filling, grading, protecting, improving and ornamenting any public square or grounds now or hereafter laid out; also for constructing, laying, relaying, erecting, cleaning and repairing cross and side walks, area walls, gutters, sewers, and private drains.

Expenses how
defrayed.

Sec. 2. Section three of said act shall be amended by adding thereto at the end of said section the following proviso:

Provided, that cross foot walks over public streets, lanes and alleys, and side walks adjacent to public squares and parks, shall be paid out of the improvement fund of the proper ward.

SEC. 3. That section four of said act shall be amended so as to read as follows:

Sec. 4. That such assessment (except in the case of side walks) shall be made by the board of public works of the city of Saint Paul, to be appointed as follows: The mayor of said city shall on the second Monday of March of the year 1872, or as soon thereafter as practicable, nominate and return to the common council of said city, three persons from each ward of said city, who shall be each reputable freeholders of said city and qualified electors of said ward from which they have been selected, and none of whom shall be members of said common council. The said common council at their next regular meeting, or as soon thereafter as practicable, shall elect, one at a time, by ballot, from the persons so nominated by the mayor, five persons (no two of whom shall be selected from the same ward) who shall constitute the "board of public works" aforesaid. The first two persons elected aforesaid shall hold office for the term of three years; and the two persons next thereafter elected aforesaid shall hold office for the term of two years; and the remaining person elected aforesaid shall hold office for the term of one year. On the second Monday of March—or as soon thereafter as practicable—of the year next ensuing and of each year thereafter, the mayor of said city shall in like manner, nominate and return to the said common council three persons from each ward of said city

The board of
public works,
how nominated
and elected.

(excepting any ward from which a member of said board has been elected, whose term of office will not expire during the year in which such nominations are made) of like qualifications aforesaid, and qualified electors of the wards from which they have been selected aforesaid, and none of whom shall be members of the common council of said city, and the said common council thereupon, at the next meeting after such nomination, or as soon thereafter as practicable, aforesaid, in each year aforesaid, shall elect, one at a time, by ballot from the persons so nominated by the mayor, the requisite number of persons as members of said board aforesaid, in the place of the members whose term of office is about to expire, and to fill any vacancy which shall then be existing (no two of which said members shall be elected from the same ward). The term of office of each member of said board elected at the elections subsequent to the first as aforesaid, shall be three years.

Term of office.

The term of office of each member of said board shall commence on the third Monday of March of the year wherein he was elected, and he shall continue in office until his successor is elected and qualified. Provided, that said board may appoint, by and with the consent and confirmation of the common council of said city, a suitable person, of like qualifications aforesaid, to fill any vacancy occurring more than 30 days before the next election aforesaid. Such person shall be a qualified elector of the ward wherein the vacancy occurred, and shall hold office until the election next ensuing his appointment, and until his successor is elected and qualified; and his successor shall be elected by said common council in manner aforesaid, for the unexpired term, and until his successor is elected and qualified. And provided further, that none of said members of said board shall act in relation to any assessment aforesaid upon any specific lot or parcel of land in which he has any estate, title or interest; and that in such case of interest aforesaid, the said board may, and upon objection in writing of any property owner interested, shall appoint a suitable person with like qualifications of members of said board aforesaid, to act in place of any member interested aforesaid *pro tempore*. Such person so appointed shall be a qualified elector of the ward from which the member in whose place he has been so appointed, was elected. And provided further, that the present commissioners of assessments appointed under the act of which this act is amendatory, shall constitute the said board of public works, and continue in office as members thereof until their successors to be elected under this act, shall be elected and qualified.

Duties—qualification.

Oath.

Each member of said board elected or appointed under this act, and every person appointed to act as a member thereof, *pro tempore* or otherwise, under this act, shall, before entering on the discharge of his duties, take and subscribe an oath to the effect that he will faithfully and impartially execute his duties to the best of his abilities.

Compensation.

Each member of said board elected under this act, shall be entitled to receive a compensation from said city for his services of five hundred dollars per annum, and no more, payable quarterly; and any person appointed to act as a member of said board *pro tempore* aforesaid, shall be entitled to compensation from said city of two dollars per day for every day in which he shall be so actually employed. Provided, that the present commissioners of assessments shall be entitled to the compensation fixed by the act of which this is amendatory.

Organization
and powers of
appointment of
officers.

The said board shall elect from their number a president, who shall hold his office for the term of one year, and until his successor is elected; and they shall have power to establish by-laws for the regulation of said board, and its officers and employees.

They shall appoint a clerk, and some competent and scientific person as civil engineer to said board; said clerk and engineer so appointed shall be removable at any time, at the pleasure of said board.

Said clerk shall keep the records and papers of said board, and shall keep a record of their proceedings, and perform such other duties as may be assigned to him by said board. He shall receive a compensation for his services from said city, at the rate of one thousand dollars for and during the time he is in office.

Duties and
compensation
of clerk and en-
gineer.

The said engineer shall perform all the civil engineering required by said board in the prosecution of all public works committed to their charge, or required by said board in connection with their official duty. The said engineer shall also be *ex officio* city surveyor, from and after the expiration of the term of office of the present city surveyor, on the second Tuesday of April, 1874, and shall perform, in addition to his duties aforesaid, such other civil engineering and surveying as may be directed by the common council of said city, or be required to be done by the charter and ordinances of said city. He shall receive such compensation for his services from said city as the said board of public works (with the concurrence of said common council) may determine.

Said clerk and engineer shall each, respectively, before entering upon the discharge of their duties, take and subscribe an oath to the effect that he will faithfully execute his

duties to the best of his ability, and also execute to the city of Saint Paul a bond with sureties in such sum, and upon such condition, as shall be approved by the said board.

Oath and bond
required.

Meetings of said board shall be called by the president or a majority of said board; and said board may meet at such stated times, or in such manner, as may be established by their by-laws.

The president shall preside at the meetings of said board, and perform such other duties as may be required by the by-laws of said board; and in his absence said board may appoint a president *pro tempore*, with like powers and duties. In case any member of said board, upon being notified of any meeting aforesaid, shall neglect or refuse to attend, he shall—except in case of sickness or absence from the city—forfeit and pay a fine to said city not exceeding fifty dollars in each case, and shall be liable to be prosecuted therefor before the city justice of said city, in the same manner, and with the same effect as prosecutions of any violation of the charter or any of the ordinances of the city of St. Paul, may now be had before said city justice, under the provisions of said charter. A majority of said board shall constitute a quorum for the transaction of business, and they shall cause to be kept a record of their proceedings, which shall at all times be open to public inspection. The said board shall furnish the common council of said city, whenever required, with any information needed in relation to their proceedings, and make monthly reports to said common council in such manner as said council may direct. That until said board shall otherwise provide the records of said board shall be kept at the office of the city clerk.

SEC. 4. That section five of said act shall be amended so as to read as follows:

Sec. 5. All applications or propositions for any improvements mentioned in section two of the act, of which this act is amendatory, as hereby amended, except sidewalks, shall be first referred to said board of public works by the common council of said city. Such reference shall be made by said common council, whenever an apparent majority of owners of property, to be assessed for any such improvement, shall petition the said common council therefor in writing: provided, that the said common council may at any time, in its discretion without such petition, by a vote of a majority of all the members elect of said council, order a reference to said board of public works of any proposed improvement aforesaid (except sidewalks.) Upon such

Applications
for improve-
ments, how to
be dealt with.

Applications
for improve-
ments, how
dealt with.

reference said board shall then proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the said common council, accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of such application they shall report the reasons for their disapproval, and, in case of such disapproval, the said common council shall not order the doing of such work, or the making of such public improvement, except by a vote of two-thirds of all the members elect of said council; provided that in case such disapproval of said board is by an unanimous vote of all the members elect of said board, such work or improvement shall only be ordered by said council, by a vote of three-fourths of all the members thereof elect. In case the said board shall report in favor of said improvement, or some part thereof, or a modification of said improvement, the common council may, in their discretion (unless otherwise provided for in this act), order the doing of such work, or the making of said public improvement; and, in all cases, the common council, after having obtained from said board of public works an estimate of the expense, may make such modifications of the proposed plan as may be petitioned for by any of the owners of the property to be assessed, or as the council may think proper; provided that such modifications shall not materially change the character and object of the improvement as reported by said board, or materially increase the expense thereof.

SEC. 5. That section six of said act shall be amended so as to read as follows:

Board to fur-
nish council a
profile of im-
provements rec-
ommended.

Sec. 6. In case such improvement referred to in the preceding section shall relate to the opening, straightening, widening, contracting, altering, extending, or grading of any street, lane, alley, or highway, or public grounds in said city, and said board shall report in favor of the same, they shall furnish the said common council as part of their said report, with a plan of [or] profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate to be assessed for said improvement can be found benefitted to the extent of the damages, costs, and expenses necessary to be incurred thereby.

Changes of the
board in sec-
tion 7 of former
act.

SEC. 6. That section seven of said act be amended by striking out the words "board of commissioners," where they occur, and inserting in place thereof the words "board of public works."

SEC. 7. That section eight of said act be amended so as to read as follows:

Sec. 8. The said board of public works shall then give six days' notice by publication in the official newspaper of the city, of the time and place of their meeting for the purpose of making said assessment; in which notice they shall specify what such assessment is to be for; and they shall describe the land to be condemned as near as may be done by general description, and all persons interested in any such improvement shall have the right to be present and be heard, either in person or by counsel, and the city attorney as counsel for the city of Saint Paul shall be permitted to appear before them at such hearing to represent the interests of said city. The said board shall view the premises to be condemned, and receive any legal evidence that may be offered for the purpose of proving the true value thereof or the damages that will be sustained, or benefit conferred by reason of the contemplated improvement; and the said board for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time, and place to place, until such assessment is completed.

Meeting of the board for making assessments—public notice of time and place of meeting to be given.

Sec. 8. That sections nine, ten, eleven, twelve, thirteen and fourteen of said act, be amended by striking out the words "board of commissioners" and the word commissioners, wherever they occur, and inserting in place thereof the words "board of public works."

Changes name of board in sections of former act.

Sec. 9. That section fifteen of said act be amended so as to read as follows:

Sec. 15. When completed, the said board of public works shall cause their assessment aforesaid of damages and benefits to be entered in a book to be kept for that purpose by the clerk of said board. After the same is so entered notice shall be given by said board by at least ten days publication in the official paper of said city, that such assessment has been completed and entered as aforesaid, and that at a time and place therein specified the said board shall meet for the purpose of hearing objections, and that unless sufficient cause is shown to the contrary the same will be confirmed. All objections to said assessment shall be in writing, and filed with the clerk of said board at least one day prior to the said meeting of said board last mentioned; provided, that the said board may in its discretion allow any party interested who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the members of said board present to such

Meetings of the board to hear objections, and to revise and correct, to confirm or set aside the assessment.

Meetings of the board to hear objections, and to revise and correct, to confirm or set aside the assessment.

other convenient time and place as they may deem expedient; provided, that nothing herein contained shall preclude the said board from causing a new notice aforesaid to be given of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required, in case the previous notice shall be found imperfect, or in case of a defect in the attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power in their discretion to revise and correct the said assessment, and to confirm or set aside the said assessment and proceed to make an assessment *de novo*. Said assessment when confirmed shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, a copy thereof attested by the clerk of [or] president of said board, shall be filed in the office of the city clerk of said city, and when no appeal is taken thereto as herein provided, a warrant shall issue to the treasurer of said city for the collection of the same from the property upon which the same has been assessed, signed by the mayor, city clerk, and the city comptroller. If said assessment shall be set aside by the said board as aforesaid, or by the court, the said board of public works shall proceed *de novo* to make another or new assessment, and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights; and the said board shall perform like duties, and have like powers in relation to any subsequent determination as are hereby given in relation to the first. As soon as practicable after the said copy of said assessment has been filed in the office of the city clerk aforesaid, the city clerk shall cause a brief notice of the fact of such filing to be published in the official paper of said city at least three successive days upon which said paper is published.

SEC. 10. That section sixteen of said act be amended so as to read as follows:

Section 16. Any person whose property has been appropriated and who has filed objections to said assessment as hereinbefore provided, shall have the right, at any time within twenty days after the first day of publication of said notice provided for in the next preceding section, to appeal to the district court of the county of Ramsey or to the court of common pleas of the county of Ramsey of this state, at the next general term of such court then ensuing from the

order confirming said assessment. Said appeal shall be made by filing a written notice with the city clerk specifying in such [notice] the name of the court in which the appeal is taken and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of [the] court, last aforesaid, a bond to said city of St. Paul, conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court last mentioned, or in case of his absence or inability to act by the judge of any court of record of this state, together with a copy of said notice with the date of filing thereon certified by the city clerk.

Right of appeal

In case of appeal a copy of the assessment roll as confirmed aforesaid, and of the objections as aforesaid made to the confirmation thereof certified by the clerk of said board, at the expense of the appellant, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal, against the city of St. Paul as an "appeal from assessments."

The said cause shall be then at issue and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes except that no pleading shall be necessary, and on such trial the only questions to be passed upon shall be whether the said board of public works had jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment so far as it affects said property is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie.

SEC. 11. That section seventeen shall be amended by striking out the words, "by the common council," where they occur for the first time in said section.

Strike out words.

SEC. 12. That section twenty-one shall be amended so as to read as follows:

Sec. 21. Any proceedings taken by the said board of public works, in carrying out the provisions of this act, shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements and the [said] real estate taken and assessed. The said books in which the said proceedings have been entered aforesaid, and the official files and papers of said board

Clerk of board to keep record of all proceedings.

of public works, shall be deemed public records and be *prima facie* evidence of the facts therein stated; and certified copies thereof by the clerk or officer having proper custody thereof, with the corporate seal of said city attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall [be] entitled to receive from any private party, for any certified copy or transcript aforesaid furnished such private party, the like fees as are received for such services by the clerk of any court of record in [of] this state.

Sec. 13. That section twenty-two of said act shall be amended so as to read as follows:

Sec. 22. Sidewalks shall be laid, relaid and repaired by order of the common council of the city of Saint Paul, without a previous reference to the board of public works, in the manner following:

Expenses of
building side-
walks, how
paid.

The said common council may order any improvement aforesaid mentioned in this section to be made, by resolution, either upon the petition in writing of an apparent majority of the owners of the property to be assessed therefor, or by a vote of a majority of all the members elect of said council without such petition. When any improvement aforesaid, mentioned in this section shall be ordered by the said common council as aforesaid, the city clerk shall, without delay, transmit a copy of the resolution of said common council ordering the same, to the board of public works. And the said board of public works shall thereon cause notice to be given to the owners of property to be assessed therefor to make such improvement at their own expense. Such notice may be given by personal service upon the owner or occupant, or by leaving the same at his usual place of business or abode, or by publication thereof at least four times in the official paper of said city; and it shall not be required to specify in said notice the name of the owner or owners. If such work be not done in the manner prescribed, and to the satisfaction of said board, within thirty days after service of said notice in person, or at the usual place of business or abode, or within thirty days after the first day upon which said notice has been published, the said board of public works shall cause the work to be let and done as in the case of other public work hereafter provided; and when said work is completed, said board shall assess the expense thereof, with all cost of notices and the proceedings upon the real estate, or lots of land, in front of or adjacent to said improvement. In making said assessment, the said expense and cost shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land,

fronting on or adjacent to said improvement; and said assessment shall be enforced and collected as other assessments under the provisions of this act.

Sec. 14. That section 23 of said act be amended so as to read as follows:

Sec. 23. Whenever any order shall be finally passed by the Common Council of said city as heretofore provided, for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing or planking any street, lane, alley, or highway, or for keeping the same in repair; or for filling, protecting, improving or ornamenting any public square; or for constructing area walls, gutters, sewers, and private drains, the city clerk shall transmit a copy of such order of said council to said Board of Public Works. The said Board of Public Works shall cause the said work to be let and done as hereafter provided; and after the whole of said work shall have been placed under contract as hereafter provided, the said board shall thereupon proceed, without delay, to assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary cost of making such assessment, in proportion as nearly as may be, to the benefit resulting thereto, in manner hereinafter provided; Provided, That the repairing of any street, alley, highway, public ground, bridges, or sewers, the cost of which repairs is estimated not to exceed the sum of two hundred dollars, may be done under the direction of said board by the street inspectors, to be appointed as hereinafter provided, and in such case shall be paid out of the street improvement fund of the proper ward; and, Provided further, That nothing herein contained shall prevent the said Common Council of said city from ordering the construction of one or more main sewers or culverts in accordance with any general system of sewerage which said council may adopt, and from dividing under such general system of sewerage, the said city into two or more sewerage districts, and from ordering the cost of such main sewers or culverts to be paid by the city at large, or from a sewerage district fund in each of such sewerage districts as the Common Council may prescribe.

After contract
to make assess-
ments.

\$200 may be
expended by
street inspec-
tors.

Sec. 15. That section 25 of said act shall be amended to read as follows:

Sec. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-three, said Board of Public Works shall give six days' notice by pub-

Six days' notice
of time of mak-
ing assess-
ments.

lication in the official paper of said city of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed. All persons interested in any such assessment, shall have the right to be present and be heard either in person or by counsel; and the said board may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time, and place to place.

SEC. 16. That section 26 of said act shall be amended to read as follows:

Six days' no-
tice to hear ob-
jections.

Sec. 26. When the said Board of Public Works shall have completed their assessment provided for in sections twenty two, twenty-three, twenty-four, twenty-five, they shall cause like notice to be given of the time and place when said board shall meet to hear objections and for the confirmation of such assessment, as hereinbefore required, in relation to assessments for the condemnation of real estate; and objections shall be made in like manner, and under the same regulations and conditions, and all parties in interest shall have the like rights, (except the right of appeal,) and the said Board of Public Works shall perform like duties, and have like powers in relation to such assessments as are herein given in relation to such assessments for the condemnation of real estate. When confirmed by the said Board of Public Works, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said Board of Public Works shall proceed *de novo* to make another or new assessment in like manner, and give like notice as herein required in relation to the first; a copy of said assessment as confirmed aforesaid shall be filed with the city clerk of said city.

Board to con-
firm assess-
ments, &c.

SEC. 17. That section twenty [27] of said act shall be amended to read as follows:

Sec. 27. Whenever any public improvement shall be ordered, for which an assessment is to be made, as aforesaid, the said Board of Public Works shall cause proposals for doing said work to be advertised in the official paper of said city, a plan and profile of the work to be done accompanied with specifications for the doing of the same, being first deposited with the clerk of said board, to be kept by him at all times open for public inspection; which advertisement shall be continued for at least ten days in said official paper, and shall state substantially the work to be done. The bids

Ten days' no-
tice for propo-
sals to do work.

for the doing of such work shall be sealed bids, directed to the Board of Public Works of the city of Saint Paul, and shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond to the city of Saint Paul in the sum not less than twenty per cent. of the cost of the work according to the price bid as nearly as can be ascertained, executed by the bidder, with two responsible sureties; conditioned that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the said city, for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by said board at their next meeting after the time limited for such proposals, or such other time thereafter as such board may appoint.

Bids, bonds,
sureties.

Sec. 18. That section 28 of said act [shall] be amended to read as follows:

Sec. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition, and who shall sufficiently guarantee to the satisfaction of the said board the performance of said work to the satisfaction of the said board. Such contract shall be made on the part of said board in the name of the city of Saint Paul, and shall be executed on the part of said city by the president of said board, or such of their members as said board may designate, and the corporate seal of said city thereto attached, and the said contract shall be countersigned by the city comptroller. A copy of said contract shall be filed in the office of the city comptroller, or registered in a book kept by said comptroller for that purpose.

Contract to
lowest bidder.

Sec. 19. That section 29 of said act shall be amended to read as follows:

Sec. 29. The said Board of Public Works shall reserve the right in their said contracts in case of improper construction, to suspend work at any time and relet the same, or to order the entire reconstruction of said work if improperly done. In cases where the contractor or contractors shall proceed to properly perform and complete the said contracts the said Board of Public Works may from time to time, as the work progresses, grant to said contractor or contractors, an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle said

Reservation in
contracts.

Contracts paid
out of assess-
ments.

contractor or contractors to receive the amount which may be due thereon, when the money applicable to the payment of such works shall have been collected. When the whole work has been completed by such contractor or contractors to the satisfaction of the Board of Public Works, the amount or balance due him shall be audited and allowed by the Common Council of said city, and shall be payable out of the collections derived from such special assessment for the said work with interest at the rate of twelve per cent. per annum, from the time of such an allowance until a sufficient amount of collections aforesaid are received by the city treasurer to pay the same; and provided, that in case of any deficiency in such collections aforesaid from such assessment aforesaid, to pay such contractor at the expiration of three years from the time of the allowance of said claim, that then such deficiency shall be paid to such contractor or contractors by said city of Saint Paul, and charged to the improvement fund of the proper ward. No contract shall be entered into for any improvement to be paid for by assessments aforesaid, unless the contractor will agree to receive his pay therefor in manner provided in this section. And in all contracts for improvements aforesaid, the provisions of this section in relation to the manner of payment to said contractor shall be deemed part of such contracts.

SEC. 20. That section thirty of said act shall be amended by striking out the words "Board of Commissioners" where they occur, and inserting in the place the "Board of Public Works."

SEC. 21. That section 31 of said act shall be amended to read as follows:

When assess-
ments confirm-
ed—warrants to
issue.

Sec. 31. When any special assessment shall have been confirmed aforesaid, for improvements aforesaid or for benefits aforesaid, it shall be the duty of the City Clerk to issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the Mayor, Comptroller and City Clerk, and shall contain a (printed or written) copy of the assessment roll as confirmed aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal as provided for by section sixteen, said appeal shall not delay or affect the collection of the assessment under such warrant except as to the property of such appellant appropriated aforesaid. And in case such appeal shall be sustained and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the Board of Public

Works shall make a new assessment as to the property of such appellant last mentioned, proceeding, *de novo*, as to the same in accordance with the provisions relating to improvements referred to in section seven; and in case the amount of damages or recompense which said Board of Public Works may award such appellant upon such new assessment shall exceed the first, the difference shall be paid by said city of Saint Paul, and charged to the street improvement fund of the proper ward.

When assessment is set aside, how to proceed.

Sec. 22 That section 35 of said act shall be amended to read as follows:

Sec. 35. If the assessments charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for improvements otherwise, however, under this act, shall not be paid within sixty days after the first day of publication of notice by the city treasurer that he has received such warrant for collection; the assessment then remaining unpaid shall be collected with interest at the rate of two per cent. thereon for each and every month thereafter until the same shall be paid.

Sec. 23. That section 36 of said act shall be amended to read as follows:

Sec. 36. It shall be the duty of the city treasurer between the fifteenth day of January and the last day of February, in each year, to make report to the District Court in and for the county of Ramsey, or the Court of Common Pleas of the county of Ramsey, of this State, at any general or special term thereof, of all assessment warrants issued upon assessments under this act aforesaid, which were delivered to him on or before the last day of the preceding October, asking for judgment against the several lots and parcels of lands described in such list of warrants for the amount of assessments, interest and costs respectively due thereon; Provided, that the said city treasurer may, at any time in his discretion, after the expiration of the said sixty days specified in the preceding section, make like report and application for judgment to either of said courts, at a special or general term thereof, in relation to any assessment aforesaid, whether heretofore or hereafter made, which shall remain unpaid for over the said period of sixty days aforesaid. The city treasurer shall give notice by six days' publication thereof in the official paper of said city of his intended application for judgment, which shall briefly specify the respective warrants upon which such application is to be made, and a description of the property against which judgment is desired, and request all persons interested to

Judgment how obtained.

attend at said term. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessments. The moneys so collected shall be set apart and kept inviolate for the purpose for which they are so collected, as part of the improvement fund of the proper ward or wards respectively, and any surplus remaining, after all payments to be made thereon, shall be credited to the general street improvement fund, of such ward or wards respectively, and any deficit which may occur by reason of reassessments, reletting work, or by inadequate assessments, shall be charged to the general street improvement fund of the proper ward or wards respectively.

Credit to street improvement fund.

SEC. 24. That section forty of said act shall be amended by striking out the words "Clerk's and Judges' fees" in the twenty-seventh line of said section, according to the printed special laws of 1871, and by inserting in place thereof the words "for Clerk's fees."

SEC. 25. That section 47 of said act shall be amended to read as follows:

Right of redemption.

SEC. 47. The right of redemption in all cases of sales for assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in the case of sales of real estate for taxes, on the payment in lawful money of the United States of the amount, for which the same was sold, with interest from the time of such sale at the rate of twenty four per cent. per annum, and any other assessments which may be made under virtue of this act, or the charter of the city of Saint Paul, subsequent to the sale with the interest accruing thereon, at the rate, payable in accordance with the provisions of section thirty five. If the real estate of any infant or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the city treasurer, and taking his vouchers therefor, and filing the same in the office of said comptroller, who shall thereupon note the fact of said redemption upon his record of sales, and said comptroller shall thereupon give to such redemptioner a certificate to that effect; and the person holding a certificate of sale may surrender the same to the comptroller to be cancelled, and the fact shall, in like manner be noted upon said record, and the said comptroller shall give such person surrendering such certifi-

Infants' land—when it may be redeemed.

Mode of redemption.

cate, if desired, a certificate to that effect. Upon the return of the certificate of sale, or proof of its loss, and the filing with the comptroller of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns, under the corporate seal of said city, signed by the mayor, comptroller, clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the comptroller in the book wherein such sales are recorded, and a fee of one dollar may be charged by the comptroller for every deed so issued; provided that nothing in this act contained shall be construed to the effect, or prejudice the lien of the State for all taxes which have been, or may be levied upon such property under the General Laws of this State. In such cases of redemption, the city treasurer shall notify the person holding the certificate of sale, that the amount of such certificate with the interest thereon so paid, is in the city treasury subject to his disposal.

SEC. 26. That section 52 of said act shall be amended to read as follows:

Sec. 52. All sales of property for the non-payment of said assessments, whether heretofore or hereafter made, shall be made at the front door of the city hall of said city of Saint Paul, commencing on the same day fixed by the General Laws of this State for the sale of taxes, at and after the hour of ten o'clock in the forenoon in each year, and may be adjourned from day to day (Sundays excepted) until the whole is completed; Provided, That in all cases where a defense has been interposed or the owner has appeared generally or specially in said proceeding in court, or an appeal has been taken from the judgment of such court, the treasurer of said city may make sale as aforesaid at any time after final judgment, upon giving notice as prescribed in sections forty-one and forty-two at the city hall aforesaid, at such time as he may fix for the purpose; and provided also, that in any case, whether in relation to assessments heretofore or hereafter made, may make such sales at any time after final judgment, although prior to the time of such annual sales.

Sales at city hall.

Sale may be made after appeal is decided

SEC 27. That section 55 of said act be amended by adding at the end thereof, the words "and interest on said amounts respectively at the rate of twenty-four per cent. per annum."

24 per cent interest on judgment.

SEC. 28. All judgments rendered under this act upon said assessments, shall bear interest at the rate of twenty-four per cent. per annum from date thereof until paid.

When certificates may be assigned.

SEC. 29. The city treasurer of said city may at any time before the time of redemption has expired, assign any certificate of property aforesaid, bid in by the city as aforesaid, to any person by endorsement thereon after payment by such person into the city treasury of the amount at which the same was so bid in, with interest thereon at the rate of twenty-four per cent. per annum, and costs; and such assignee shall have the same right thereunder as if he had purchased the same originally at the sale, and when the right of redemption shall have expired, shall be entitled to a deed as in other cases.

Board of Public Works.

SEC. 30. The said Board of Public Works shall, as soon after their organization as practicable, appoint two street inspectors, whose duty it shall be to render their personal services in repairing the streets of said city, and to perform such other services and such duty and in such localities as the said board may prescribe or direct. The said street inspector shall be removable at the pleasure of said board and shall receive such compensation as the said Board of Public Works, with the concurrence of the Common Council, may determine. Said street inspectors, before entering upon the discharge of their duties, shall take and subscribe an oath to the effect that they will faithfully discharge their duties, and shall also give bonds to the city of Saint Paul, with sureties, in such sum and with such condition as the said board may approve, which said bond shall be filed with the comptroller of said city. Provided, That the present street commissioners shall act as such street inspectors at the present compensation until their term of office shall expire, on the second Tuesday of April, eighteen hundred and seventy-three.

Street inspectors.

Board of Public Works officers of city.

SEC. 31. The said Board of Public Works and the members thereof and officers aforesaid to be appointed by said board shall be and the same are hereby declared to be officers of the said city of Saint Paul, and their assessments, proceedings and official acts hereby authorized shall be and the same are declared to be the acts and proceedings of the said city of Saint Paul.

Repealing section, exceptions and mode of procedure.

SEC. 32. All provisions of laws inconsistent with this act are hereby repealed, but the repeal or amendments herein contained of any law or part thereof shall not affect any act done or right accruing, accrued or established, or any assessments or proceedings of the Common Council of said city,

(and be enforced) under the provisions of the said act as hereby amended.

Provided, that in any case where an order has been passed by the common council before the passage of this act, for any improvement under this [the] act of which this act is amendatory, and the assessment for such improvement has not yet been confirmed, the common council of said city shall have the power to revoke said order and annul all proceedings in such case with the same effect as if they had not been commenced, and thereupon no further action shall be taken in relation to such proposed improvement, except by original proceedings commenced under the provisions of this act: and provided further, that in case any assessment has been returned to the said common council, and notice of application to said common council for the confirmation thereof has been given prior to the passage of this act, under the said act of which this act is amendatory, and the assessment has not yet been confirmed or disposed of by said common council, the said council may, (unless they revoke the order passed for such improvement, and annul said proceedings, as hereinbefore provided,) in their discretion, revise and correct such assessment, or confirm the same, or annul the same, and direct a new assessment to be made. If a new assessment shall be directed in such case, the said board of public works shall thereupon proceed in said matter, and all further proceedings shall be had in said matter in accordance with this act, and in all cases where such assessments have been confirmed prior to the passage of this act, and the work has not yet been placed under contract, the work shall be let and placed under contract by said board of public works, in accordance with the provisions of this act.

SEC. 33. This act shall take effect from and after its passage.

When act to
take effect.

Approved February twenty-nine, eighteen hundred and seventy two.

CHAPTER III.

An act to amend an act entitled "An act relative to Free Schools in the city of Saint Paul" and the acts amendatory thereof.

SECTION 1. Amendment to section 1, of the act relating to free schools in the city of St. Paul.

The city of St. Paul to be one school district.

2. Amendment to section 3, of said act.

Vacancies in the office of school inspectors—no other city officer to be school inspector.

3. Amendment to section 5 of said act.

To be a body corporate and to succeed to all rights of the former boards of school inspectors—may pay indebtedness and issue bonds therefor.

4. Amendment to section 6 of said act.

The board of education—a majority forming a quorum—may meet at the city hall or other place designated.

5. Amendment to section 11 of said act.

For school purposes may ask a tax levy of not to exceed ten mills—and council required to levy the same.

6. Amendment to section 12 of said act as heretofore amended.

Election of president, secretary and treasurer of board—official duties.

7. Amendment to section 13 of said act.

School moneys collected to be paid over to treasurer of board.

8. Section 14 of said act to be numbered section 13.

9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Sec. 1. That section one of said act shall read as follows:

City to be one school district.

SECTION 1. The city of Saint Paul shall be considered as one school district; and hereafter all schools organized therein in pursuance of this act shall under direction and regulation of the board of education be public and free to children residing within the limits thereof between the ages of five and twenty-one years inclusive, subject to such rules and limitations as the said board may establish.

SEC. 2. That section three of said act shall be amended as follows:

SEC. 3. In case of a vacancy in the office of school inspector the said board of education may fill the same until the next annual election, when if such vacancy occur in the first year of the term of said office, the electors of the proper ward may choose a suitable person to fill the remainder of such term; provided, that the city clerk shall give notice of such vacancy prior to such election, as may be required in other cases; and provided further, that no member of the common council of the city of Saint Paul nor any other officer of the government of said city shall be eligible as a member of said board of education nor be permitted to act as a member thereof.

Vacancies in board—No city officers to be in board.

SEC. 3. That section five of said act shall be amended so as to read as follows:

Sec. 5. The school inspectors shall be a body corporate by the name of "the board of education of the city of Saint Paul," and in that name may be capable of suing and being sued, and of holding, buying or selling and conveying real and personal property as the interest of said common schools may require, and shall also succeed to and may be entitled to demand all moneys and other rights belonging to, or in possession of the board of school inspectors or any member thereof, or any real or personal property or other rights of any such district in the city of Saint Paul. And the clear proceeds of all such property which may come into the possession of said board, as last aforesaid, shall be expended and disbursed by, and with [under] the authority of the board of education for educational purposes, after paying all just and legal demands existing against the several school districts heretofore existing in said city; provided, that said board shall not be liable to pay an aggregate amount of indebtedness against any one district greater than the amount received from the same by the board.

Powers of the board.

SEC. 4. That section six of said act (as the same has been heretofore amended) shall be amended so as to read as follows:

Sec. 6. The board of education—a majority of the members of which shall form a quorum—may meet from time to time, at the city hall of said city, or at such place in said city as they may designate.

Place of meeting and quorum.

SEC. 5. That section eleven of said act (as the same has been heretofore amended) shall be amended so as to read as follows:

Sec. 10. The board of education shall also whenever in their judgment additional means may be necessary for the support of free schools in the city of Saint Paul or for the

Tax levy for
school pur-
poses.

erection of school houses therein, or for the purpose of paying the interest on any bonds now or hereafter issued by said board of education, on or before the first day of June of each year, present to the common council of the city a statement of the amount of money beyond that in their treasury needed for such purposes; and said common council are hereby required to levy a tax sufficient for such purposes on all real and personal property within said city according to the city assessment roll, which shall be collected in the same manner as the moneys to defray the general expenses of said city, and when collected shall be subject to the order of the said board of education; provided, that the levy of such tax shall in no one year exceed ten mills on the dollar of the property on said assessment roll.

Provided, That the said board of education may in its discretion provide such additional means for the purposes aforesaid in whole or in part by issuing its bonds not exceeding in amount in any one year more than two per cent. of the value of the taxable property in said city according to the assessment returned the year next previous to said issue. Said bonds shall bear interest not exceeding eight per cent. per annum, payable annually or semi-annually, with or without interest coupons attached, redeemable in not less than ten nor more than twenty years from their date, payable as to principal or interest or both in the city of New York or city of Saint Paul or both places, and may be issued in such sums or denominations as said board may determine.

SEC. 6. That section twelve of said act (as the same has been heretofore amended) shall be amended so as to read as follows:

Officers of the
school board—
official duties.

Sec. 11. The board of education immediately after their organization each year shall proceed to elect from their number a president, secretary and treasurer of the board.

The treasurer shall give bonds with sufficient sureties to the acceptance of the board in an amount to be fixed by the said board.

It shall be the duty of the secretary to keep a true record of the proceedings of the said board; to superintend the examination of all teachers; to give certificates to such as are found qualified; to visit each of the schools at least once in each two weeks; to exercise a general supervision of the schools under the direction of the board of education, and to see that the enumeration of scholars required by the general laws of the state is properly taken and duly returned, and he shall be entitled to receive a salary for his ser-

vices of not less than five hundred dollars (\$500.00) per annum.

The said president shall be the president of the said corporation and shall preside at all the meetings of said board.

Such president may be elected as soon after this act shall take effect as said board may deem expedient and shall in such case hold his office until his successor shall be elected as hereinbefore provided. In case of the absence of the president a majority of the inspectors present at any meeting may select one of their number president *pro tempore*, who shall act as president aforesaid during such absence of the president.

Sec. 7. That section thirteen of said act shall be amended so as to read as follows:

Sec. 12. All school moneys collected by any collector or other officer of the city of St. Paul or county of Ramsey shall be paid [over] by such collector or officer to the treasurer of said board who shall give him a receipt therefor.

School moneys
to be paid to
treasurer of
board.

Sec. 8. That section fourteen of said act shall be numbered section thirteen.

Sec. 9 This act shall take effect from and after its passage.

Approved February 29th, 1872.

CHAPTER IV.

An act to aid the improvement of Seventh street, Mississippi street and Third street in the city of Saint Paul and other streets and avenues in said city of Saint Paul.

- SECTION 1. Authorizing the issue of bonds for the improvement of certain streets
2. The funds arising therefrom to be paid to contractors for the work—excess of cost above amount appropriated to be assessed upon property benefitted.
 3. All provisions of acts inconsistent, repealed.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Authority to
issue bonds.

SECTION 1. The Common Council of the city of St. Paul is hereby empowered by a vote of three-fourths of the members of the Common Council to issue the bonds of said city to an amount not exceeding thirty-six thousand five hundred dollars to aid the improvement of Seventh street east of Kittson street and Third street east of Jackson street and Mississippi street north of Pennsylvania avenue to the northern limits of the city in the city of St. Paul, for the improvement of Como avenue, as laid out or to be laid out, and for the improvement of Rondo street to the city limits and for the improvement of Ramsey street to its intersection with Summit avenue, as said streets are now or as the same may hereafter be laid out. Said bonds shall bear interest at the rate of eight per cent. per annum payable semi-annually on the first day of March and September of each year and shall be redeemable in twenty years from the date thereof. They shall be issued in sums or denominations of \$500 and \$1,000, or either of said sums or denominations, with or without interest coupons attached and payable as to the interest or principal or both at the city of New York or in the city of St. Paul or in both of said places as the Common Council may prescribe; and when the said Common Council of said city shall cause the said bonds to be issued they shall make

provision for the payment of the interest by a sufficient levy upon the taxable property in said city.

SEC. 2. In case the grading, bridging or other improvements of said streets, or any part thereof above mentioned, may have been or shall hereafter be ordered by the Common Council of said city, as provided by law for improvements of like nature in said city, the said Common Council may issue the said bonds of said city to the amount aforesaid, or so much thereof as they may deem expedient, to aid the said improvements, or either of them, and in case the said Common Council shall issue said bonds, or any portion thereof aforesaid, the funds raised therefrom shall be paid to the contractor [or contractors.] on account of the work in such manner as the said Council may prescribe, and the amount thereof so paid, or ordered or appropriated to be paid out of said fund on account of said work, shall be deducted from the whole amount of the total estimated cost of said improvements, or either of them, and the remainder of such estimate only shall be assessed upon the property deemed benefitted by the improvement under the provisions of law relative to such improvements and assessments therefor in the city of St. Paul; *Provided*, That no more than \$10,000 of said fund shall be expended upon either Seventh street or Third street, and not more than three thousand and five hundred dollars upon Mississippi street; for Como avenue and Rondo street, not more than five thousand dollars each, and for Ramsey street not more than three thousand dollars

Funds from sale of bonds to be paid to contractors.

Limit of appropriation for each street.

SEC. 3. All provisions of acts inconsistent with this act are hereby repealed, so far as they conflict with the provisions of this act.

Repeal of inconsistent acts

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER V.

An Act to amend "an act requiring the City Council of the City of St. Paul to accept the dedication of streets in new additions, and for other purposes," approved March 6, 1871.

SECTION 1. Amendment to section 2 of an act requiring the City of St. Paul to accept dedications of streets in new additions, &c.

2. Dedication to be accepted when streets, &c., conform to other accepted additions.

3. When act to take effect.

SECTION 1. That section two (2) of "an act requiring the City Council of the city of Saint Paul to accept the dedication of streets in new additions, and for other purposes," approved March 6, 1871, be and the same is hereby amended so as to read as follows:

Dedication to be accepted when streets conform to other accepted additions.

SEC. 2. That said city shall accept the same when the streets, alleys, lanes, parks, or other public grounds thereof, proposed to be dedicated, shall conform to the streets, lanes, alleys and other highways of the adjoining additions already laid out and dedicated, platted and recorded, so far as is practicable from the topography of said addition and adjacent additions; and the proprietor or proprietors of such new addition shall, when they present their plat for acceptance as aforesaid, also present a plat or map of the addition or additions adjoining the same, if any, showing how said proposed new addition joins and conforms to the streets, alleys, lanes, parks or other public grounds in the older or accepted additions; and the said city of Saint Paul shall not be required to work, repair or keep in repair, or otherwise open or improve any street, alley, lane, park or other public grounds in such new additions [addition,] until the same has been accepted as aforesaid; *Provided*, That all the [principal and] important streets and avenues in said new addition shall be at least eighty (80) feet wide, and all alleys or lanes at least twenty (20) feet wide.

When act takes effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER VI.

*An Act in relation to the vacating of streets, alleys and public squares in the city of St. Paul.*February 28,
1872.

SECTION 1. Power and authority to vacate streets vested in the City Council.

2. Repeal of inconsistent acts.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sole power and authority to vacate streets, alleys and public grounds within the city of St. Paul is hereby invested in the common council of said city, and that no street, alley or public grounds shall be vacated by said common council unless three-fourths of all the members elect thereof, shall vote therefor.

Vacating
streets, alleys,
&c., powers of
the council.

SEC. 2. All acts and parts of acts, inconsistent with this act hereby repealed.

Repeal of in-
consistent acts

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1872.

CHAPTER VII.

February 26,
1872.

An act supplemental to an act entitled "An act to authorize the city of Saint Paul to establish a system of sewerage for said city," Approved Feb. 24th, 1869.

- SECTION 1. The City Council authorized to issue sewerage bonds.
 2. Directs the levy of a tax to pay the interest on bonds.
 3. Inconsistent provisions of former acts repealed.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

City Council
authorized to
issue sewerage
bonds.

SECTION 1. That in addition to the powers conferred upon the city of Saint Paul by said act entitled "an act to authorize the city of Saint Paul to establish a system of sewerage for said city," approved Feb. 24, 1869: The common council of said city are hereby empowered to issue the bonds of said city to an amount sufficient to raise an adequate fund for the construction of such main sewers as may be required in establishing a system of sewerage for said city as contemplated by said act, and putting the same in practical operation, and to meet the necessary expenses of establishing such system. Said bonds shall be issued in amounts or of denominations, each, of \$200, \$300, \$500, and \$1,000, or of any or all of said denominations, as the common council may direct, and shall bear interest at the rate of eight per cent. per annum, payable semi-annually, on the first day of March and September—with or without interest-coupons attached. They shall be redeemable in not less than twenty years from their date, and the interest and principal, or either, may be made payable in the city of New York or in both of said places, as the common council may direct.

Directs a levy
of tax to pay
interest on
bonds.

SEC. 2. The common council of said city, upon directing the issue of said bonds, are hereby empowered and directed to levy a tax each year upon the property in said city subject to taxation sufficient to provide for the payment of the interest on said bonds, and said fund so raised to pay said interest shall be set apart and held inviolate for the purpose aforesaid.

Inconsistent
provisions of
former acts
repealed.
When act to
take effect.

SEC. 3. The provisions of all acts heretofore passed inconsistent with this act, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved February 26, 1872.

CHAPTER VIII.

An Act to authorize the City of Saint Paul to issue bonds to purchase public park grounds and for other purposes.

February 29,
1872.

- SECTION 1.** Provides for the appointment of five commissioners.
2. Authorizes the purchase of lands for public parks.
 3. Authorizes the city council to issue bonds to pay therefor.
 4. Denomination of bonds, and how signed.
 5. Authorizes the employment of an agent to negotiate the sale of the bonds.
 6. The council authorized to lay off a portion into grand park lots for sale.
 7. The proceeds from such sale to be used to pay interest on bonds.
 8. The council authorized to prescribe rules and regulations for laying out and ornamenting the park grounds.
 9. Tax to be levied for payment of principal of bonds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It is hereby made the duty of the judge of the district court of the second judicial district to appoint five discreet and competent persons, each shall be a resident citizen and freeholder of the city of Saint Paul, and one shall be appointed from each ward of said city as now constituted, and shall each receive a certificate under the seal of said district court clerk, of their appointment, each of whom shall, before entering upon the duties herein prescribed, take an oath faithfully and impartially to discharge the duties of their said appointment to the best of their knowledge, skill and ability.

Appointment
of five persons

SEC. 2. It shall be the duty of said five persons, so appointed as aforesaid, to contract for and purchase not less than five, or more than six hundred and fifty acres of land, in Ramsey county, lying within a convenient distance of the city of Saint Paul, but beyond the present limits thereof, for the uses and purposes of a public park, with the limitations and conditions herein mentioned, to be paid for by, and from the proceeds of city bonds, to be issued and disposed of as herein provided for.

Authorized to
purchase land
for parks.

SEC. 3. After the purchase or contract is made for said lands, the common council of the city of Saint Paul is hereby duly authorized and expressly empowered to issue bonds of the city to an amount not exceeding one hundred

Bonds to be
issued in pay-
ment thereof.

thousand dollars, payable in not less than thirty years, and to bear interest at the rate of seven per cent. per annum, which interest shall be payable semi-annually in the city of New York.

Sec. 4. The bonds which may be issued by the said city of Saint Paul, under and by virtue of this act, shall be signed by the mayor of said city, and countersigned by the clerk and city comptroller, under the corporate seal of said city, and shall be issued in sums of not less than one thousand dollars each.

Negotiating
bonds.

Sec. 5. And the common council of said city of Saint Paul may, by resolution, authorize and employ any suitable person or persons to negotiate and sell the said bonds, and to place the proceeds thereof in the city treasury of Saint Paul. But the said bonds, nor the proceeds from the sale thereof shall not be used in any event for any other purpose but to pay for said lands for said public park hereinbefore mentioned, or the interest arising on said purchase.

Sale of grand
park lots.

Sec. 6. The common council of the said city of Saint Paul is hereby expressly authorized and duly empowered, after said lands for said public park are purchased, to survey, lay off, plat and record any part or portion of said lands into lots and blocks, to be known and designated as grand park lots, not to exceed two hundred acres thereof, in such form and size as said common council may deem best and most expedient, and to sell and convey to purchasers by deed or deeds, said lots and blocks, or either, for such price and on such terms, either for cash or on credit, with interest, as may be deemed by said council most expedient.

Proceeds to
pay interest on
bonds.

Sec. 7. It is hereby expressly directed that said common council of said city, shall set apart and fund all the proceeds, both principal and interest, arising and accruing from the sales of the said lots or blocks in the said two hundred acres of said lands, herein authorized to be surveyed, laid off, platted and recorded, and be held and paid out only on the interest of the city bonds hereby authorized to be issued, and for no other purpose whatever, and shall be the duty of said common council of said city, to levy and assess upon the taxable property of the city of Saint Paul, annually, a sufficient amount or sum, if needed, to meet and pay promptly, when due, the interest on said bonds so herein provided to be issued, after faithfully applying the proceeds of principal and interest on the sales of the lots and blocks herein provided for.

Sec. 8. The common council is hereby authorized to make and establish, by ordinance or resolution thereof, all

needful rules and regulations as to the surveying, platting, recording and sales of said lots and blocks. And also to make and prescribe all needful rules and regulations relating to the improvement, fencing, laying off, ornamenting, grading and otherwise beautifying said public park, and may delegate said control of said public park, and the making of all said improvements, to the board of public works, or may control the same jointly with said board of public works, if deemed by said council most expedient: provided, that if the proceeds of the sales of said lots and blocks shall be more than sufficient to meet and pay the interest on the said bonds herein authorized to be issued, said excess shall be solely applied to the improvement of said public park as herein provided.

Council to provide for laying out grounds.

SEC. 9. It shall be the duty of the common council of said city of Saint Paul to make due provision, by levying and assessing taxes on the property in the said city to pay the principal of said bonds when due, and it is hereby declared that said "public park bonds" shall be and forever remain a lien upon said public park lands and grounds, until the principal and interest is fully paid, excepting expressly, that said bond shall in no way be deemed, held or considered a lien on the two hundred acres herein provided for, to be surveyed, platted and recorded as lots and blocks, to be sold to meet the interest on said bonds.

Tax levy for principal of bonds.

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February twenty-nine, eighteen hundred and seventy-two.

CHAPTER IX.

February 24,
1872.

An act to enable the city of St. Paul to consolidate and fund the debt of the same.

- SECTION 1. Authorizes the issuing of bonds to fund the bonded and floating debt of the city.
2. Requires the levy of a tax for annual interest and sinking fund for principal.
 3. Authority to issue the bonds from time to time.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Authorizing
the issuing of
bonds to fund
the bonded and
floating debt of
the city.

SECTION 1. That the common council of the city of Saint Paul by a vote of two-thirds of all the members elect thereof, may issue the bonds of said city from time to time, and in such sums as may be needed, for the purpose of consolidating and funding the present existing bonded and floating debt of said city due or to become due, in manner following: Said bonds shall be issued in amounts or of denominations each of \$500, and \$1,000, or of either of said denominations as the common council may direct, and shall bear interest at the rate of eight per cent. per annum, payable semi annually on the first day of March and September, with or without interest coupons attached. They shall be redeemable in twenty-five years from their date; they may be made in whole or in part payable as to principal or interest or both in the city of New York or in the city of Saint Paul, or in both of said places, as the said common council may prescribe. The said bonds shall be denominated—"The general bonded debt of the city of Saint Paul."

Requires the
levy of a tax
for annual in-
terest and sink-
ing fund for
principal.

SEC. 2. The said common council is hereby empowered and required to levy a tax annually on all property in said city subject to taxation sufficient to provide for the punctual payment of the interest on said bonds, and to provide a sinking fund for the payment of the principal; and the fund so raised by said tax shall be set apart and held inviolate for the purpose aforesaid; provided, that all accumulations for said sinking fund may be invested by order of said common

council in the registered bonds of the United States, until needed for the payment of the principal; and, provided, that the said common council may from time to time apply the accumulations of said sinking fund in paying and discharging any of said bonds with the consent of the holder thereof before maturity at a rate not exceeding the par value of the same.

SEC. 3. The common council may issue the said bonds by a two-thirds vote aforesaid, from time to time, whenever the same can be advantageously used in extinguishing the floating debt of said city, and in discharging or retiring the existing bonds and obligations of said city as they mature, so that the existing bonded debt of said city and the said floating debt may be consolidated and funded according to the intent of this act; and the said bonds herein provided for shall never be issued or appropriated for any other purpose whatever, and shall not be sold or exchanged for less than eighty-five cents on the dollar.

Authority to
issue the bonds
from time to
time.

SEC. 4. All provisions of any acts or laws heretofore passed inconsistent with this act are hereby repealed.

Repeal of
inconsistent
acts.

SEC. 5. This act shall take effect from and after its passage.

When act to
take effect.

Approved February 24, 1872.

CHAPTER X.

An Act consolidating the cities of Saint Anthony and Minneapolis and incorporating the same into one (1) city by the name of Minneapolis.

CHAPTER 1. City and ward boundaries.

2. Elections.
3. Powers and duties of officers.
4. The city council—its general powers and duties.
5. Finances.
6. Divisions.
7. Fire Department.
8. Miscellaneous provisions.
9. Provisions relating to the first city election.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

City and Ward Boundaries.

Corporate
name.

SECTION 1. All that district of country in the county of Hennepin, contained within the limits and boundaries hereinafter described, shall be a city by the name of "Minneapolis" and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the "City of Minneapolis," and by that name shall sue and be sued, plead and be impleaded in any court, make and use a common seal, and alter it at pleasure, and purchase, take and hold, lease and convey all such real, personal and mixed estates, as the purposes of the corporation may require, within or without the limits aforesaid, shall be capable of contracting or being contracted with, and shall have the general powers possessed by municipal corporations at common law and in addition thereto shall possess all the powers hereafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The district of country aforesaid constituting the city of Minneapolis, and the limit and boundaries thereof,

shall be as follows: The limits and boundaries of the former city of St. Anthony shall constitute the East Division of said city of Minneapolis. The limits and boundaries of the West Division of said city shall be the same as those constituting the former city of Minneapolis, except on the south boundary of said city, from the east line of section thirty-four (34) to the quarter section line running north and south through section thirty-six (36,) the south boundary of said city between these two (2) lines, to be one quarter ($\frac{1}{4}$) mile south of the north line of section thirty-five [35] and thirty-six [36.]

Boundaries of
the city.

SEC. 3. The said city shall be divided into ten (10) wards, called the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth wards, described, limited and bounded, as follows: The first, second, third and fourth wards as now constituted and established in the city of St. Anthony, shall respectively and in the order named constitute the first, second, third and fourth wards of the city of Minneapolis.

Division in
wards.

The said Minneapolis West Division shall be divided into six (6) wards, to be called the fifth, sixth, seventh, eighth, ninth and tenth wards, and bounded as follows:

East division.

All that part of the territory known as Minneapolis, West Division, lying north and west of a line beginning at a point where the centre line of Harrison street extended northeasterly would intersect the middle of the main channel of the Mississippi river, thence running southwesterly along the centre of Harrison street to the quarter section line between the northwest and the southwest quarters of section twenty-two (22,) town twenty-nine (29,) range twenty-four (24;) thence west on quarter section lines to the westerly line of said city, shall constitute the fifth ward.

All that part of said territory lying south and southeasterly of the last described line, and north and west of a line beginning at a point where the centre line of Hennepin avenue extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence running southwesterly along the centre line of said Hennepin avenue to the west line of said city, shall constitute the sixth ward.

West division.

All that part of said territory lying southeasterly of the last described line, and north, northwesterly and westerly of a line beginning at a point where the centre line of Minnetonka street extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence running southwesterly along the centre of said Minnetonka street to the quarter section line between the northeast and southeast quarters of section twenty-seven (27); thence west

on said line to the centre of said section twenty-seven (27); thence south on the centre line of Nicollet avenue, formerly known as the Blaisdell road to the south boundary of said city, shall constitute the seventh ward.

All that part of the said territory lying southeasterly and east of the last described line, and northwesterly and west of a line beginning at a point where the centre line of Cataract street, extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence southwesterly along the centre line of said Cataract street to the quarter section line between the northwest and southwest quarters of section twenty-six (26); thence west on said line to the quarter section corner between sections twenty-six (26) and twenty-seven (27); thence south on the centre line of Portland avenue to the south boundary of said city shall constitute the eighth ward.

All that part of the said territory lying south and east of the last described line, and northwesterly and west of a line beginning at a point where the centre line of Huy street extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence southwesterly along the centre line of said Huy street to the quarter section line between the southeast and southwest quarters of section twenty-six (26); thence south one (1) quarter mile on the quarter section line between the northeast and northwest quarters of section thirty-five (35,) to the south boundary of said city, shall constitute the ninth ward.

All that part of said territory lying southeasterly and east of the last described line, shall constitute the Tenth ward.

CHAPTER II.

Elections.

Annual election.

SECTION 1. There shall be an annual election for elective officers, hereinafter provided, held on the first Tuesday in April of each year, at such a place in each ward as the city council shall designate; and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) in the afternoon, and ten (10) days previous notice shall be given by the city clerk of the time and place of holding such election and of the officers to be elected.

SEC. 2. The elective officers of said city shall be a mayor, treasurer and comptroller, all of whom shall be residents within and qualified voters of said city. The east division of said

city, as herein designated, shall elect one (1) justice of the peace, who shall, as soon as he shall have qualified, become the lawful successor of the two (2) justices of the peace of said city of St. Anthony, and the west division of the said city as herein designated shall elect two (2) justices of the peace each of which justices shall be a resident of and hold his office in the division of the said city in which he is elected, and shall hold his office for two (2) years and until his successor is elected and qualified. Each ward shall elect two (2) aldermen, who shall be residents within and qualified voters of the ward for which they may be elected. All other officers necessary for the proper management of the affairs of said city shall be appointed by the city council, unless otherwise provided. At the first election under this act, there shall be elected in each ward one (1) alderman, who shall hold his office for one year, and one (1) alderman who shall hold his office for two years, the same to be designated on the ticket voted, and each year thereafter one (1) alderman shall be elected in each ward at the annual city election and hold his office for two (2) years and until his successor is elected and qualified. No alderman of said city shall be eligible to any office filled by appointment or election by the city council.

City officers.

SEC. 3. Every person appointed to any office by the city council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defence.

Removal from office, when.

The city council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and shall have power to compel the attendance of witnesses, and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the city council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten (10) days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the city council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and

Vacancies in office.

with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be
by ballot.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of all the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as they shall direct.

Qualification of
voters.

SEC. 6. All persons entitled to vote for state and county officers and who shall have resided for ten (10) days next preceding the election in the ward where they offer their vote, shall be entitled to vote for any officer to be elected under this act and to hold any office hereby created; and the different wards established by law shall constitute the election precinct for state and county as well as city elections; and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except the returns thereof shall be made by the judges of election to the county auditor of the county of Hennepin, within the time and in the manner prescribed by law.

Judges and
clerks of elec-
tion.

SEC. 7. The elections of said city shall be held and conducted by the two (2) aldermen and one (1) other legal voter of each ward, the last to be appointed by the city council, who shall be the judges of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the manner and under the same penalties, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; provided, that no judge or clerk of an election shall be eligible to any office voted for at such election.

Returns of elec-
tion.

SEC. 8. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall, within three (3) days, deliver, or cause to be delivered, such returns to the city clerk.

Within one (1) week after any election, the city council shall meet and canvass said returns, and declare the result as

it appears from the same; and the city clerk shall forthwith give notice to the officers elected, of their respective elections. Special elections.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general and annual elections and within such time as may be prescribed by resolution.

SEC. 10. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the city council shall proceed to fill the vacancy as herein prescribed. Change of residence to vacate office.

SEC. 11. The term of every officer elected under this act shall commence on the second Tuesday of April of the year for which he was elected, and shall continue, unless otherwise provided, for one (1) year, and until his successor is elected and qualified. Term of office.

CHAPTER III.

Powers and Duties of Officers.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city, and the treasurer, clerk, comptroller, wharf-master, street commissioner, collectors, and such other officers as the city council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Minneapolis a bond, with at least two (2) sureties, who shall make affidavit that they are in the aggregate worth the penalty specified in said bonds, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the city council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Oath of office and bonds.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city, and shall appoint all police officers and watchmen; and in case of a riot or other disturbances he may appoint as many spec- Duties of the Mayor.

ial or temporary police officers as he may deem necessary, and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him, whenever in his opinion the welfare of the city may demand it, or a reduction of their number render it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at their next meeting thereafter; upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration, the city council shall pass the same by a vote of two-thirds it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered by the city clerk of record. If any ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted) after it shall be presented, to him the same shall have the same effect as if approved by him.

President and
vice president.

Sec. 3. At the first meeting of the city council in each year, they shall proceed to elect by ballot from their number a president and vice president. The president shall preside over the meetings of the city council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any regular meeting of the city council, the vice president shall discharge the duties of such president and act in his place. The president or temporary presiding officer, while presiding over the city council and performing the duties of mayor shall be styled acting mayor, and acts performed by him, when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor.

City clerk.

SEC. 4. There shall be a clerk of said city, styled the city clerk, who shall be elected by the city council. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from the records of the city council certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced. He shall draw and sign all orders on

the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations.

SEC. 5. The city council shall have power to elect an attorney for the city, who shall perform all professional services incident to the office, and when required, shall furnish opinions upon any subject submitted to him by the city council or its committees.

City attorney.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof, in such manner, as the city council shall from time to time direct. The treasurer shall exhibit to the city council at least fifteen (15) days before the annual election, or sooner if required by them, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk, and a copy of the same shall be published in all the papers of the city.

City treasurer.

SEC. 7. There shall be a chief of police of said city, who shall perform such duties as shall be prescribed by the city council for the preservation of the public peace. All police officers and watchmen of the city shall possess the powers of constable at common law, or by the laws of this state, and in addition thereto shall have the power and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatever, issued by any justice, for any violation of the ordinances or by-laws of said city; and they shall have power to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables aforesaid, shall be entitled to like fees.

Chief of police.

SEC. 8. The city council shall have power to establish and to elect a wharf master, with powers of a police officer, whose duty it shall be to collect all wharf dues, and enforce all ordinances in relation to the harbor landings belonging to or under control of the city, and the levee within the city limits, and who shall perform such other duties as the city council may ordain.

Wharf Master.

SEC. 9. The city council shall, at their first meeting after each annual election, appoint one street commissioner for each ward, who shall be a resident of the ward for which he is appointed, and shall hold his office for the term of one year. It shall be the duty of each commissioner so appointed, to superintend all local improvements in the respective ward for which he is appointed, and to carry

Street Commissioner.

into effect all orders of the city council. They shall keep accurate accounts thereof and return the same to the city council quarterly, or oftener if required.

ASSESSORS.

SEC. 10. The city council shall, on or before the first day of May in each year, appoint two assessors, one from each of the divisions of said city, who shall each, in and for his division, perform all the duties and be responsible to all the obligations imposed by law upon assessors in respect to the assessment of property for city, state, county and other purposes. On completing their assessment rolls they shall meet together and revise, correct and equalize the same, and then return the same, properly certified, under oath, to the county auditor, in the same manner as assessors under the general laws of the state.

Powers of Justices of the Peace.

SEC. 11. The justices of the peace hereinbefore provided for shall severally have and possess all the authority, powers and rights of a justice of the peace of the county of Hennepin, under the laws of the state, and shall have in addition thereto exclusive of other justices of the peace of the county, jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace. The said justices shall severally have, exclusive of other justices of the county, jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and like jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said city of Minneapolis or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same. All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the state of Minnesota, and the same proceedings shall be had in all civil and criminal suits before said justices, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace: Provided, That in case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city, or its charter, or for an assault, battery or affray not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than ten dollars. In all causes of convictions for assaults, batteries and affrays, within said city, and in all cases of conviction, under any ordinance of said city, for breach of the peace, disorderly conduct, keeping houses of ill-fame, or

frequenting the same, and of keeping or maintaining disorderly and ill governed houses, the said justices shall severally have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

The said justices shall have the same power and authority in cases of contempt as a court of record: provided, that nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of district courts or supreme court of this state. All fines and penalties imposed by the justices for offences committed within the city limits, or [for] violations of any ordinance, by-law or regulation of the said city, shall belong to and be a part of the finances of said city.

SEC. 12. Each city justice shall, as often as the city council may require, report to the city council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasury all fines and penalties collected by him, belonging to said city, and said justices shall be entitled to receive from the county of Hennepin such fees in criminal cases as are allowed to other justices in the county for similar services.

Report to city council.

SEC. 13. It shall be the duty of the city comptroller to report to the city council the financial condition of the city, and each of the divisions and wards thereof. He shall make a list of all outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they may respectively bear, and recommend such action to the city council as will secure the punctual payment of the principal and interest of such bonds.

City comptroller.

SEC. 14. He shall report annually, on or before the first day of April, to the city council, an estimate of the expenses of the city and the several divisions and wards, and likewise the revenue necessary to be raised for the current year, and the fiscal year shall commence on the first day of April.

To report annually.

SEC. 15. He shall make or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city, and certificates of work by any committee of the city council, or by any city officer.

To cause estimates.

SEC. 16. It shall be the duty of the comptroller to keep regular books of account, in which he shall enter all indebted-

To keep
account of all
city indebted-
ness.

edness of the city or either of the divisions or wards, and which shall at all times show the precise financial condition of the city and the several divisions and wards thereof, the amount of bonds, orders, certificates or other evidences of indebtedness issued by authority of the city council, the amount of all bonds, orders, certificates, etc., which have been redeemed, and the amount of each outstanding, to countersign all bonds, orders, certificates, or other evidences of indebtedness of the city or either of the divisions or wards, and to keep an exact account thereof, stating to whom and for what purpose issued and the amount thereof, to keep accounts with all the receiving and disbursing officers of the city, showing the amount which they have received from all the different sources of revenue, and the amount which they have disbursed under the direction of the city council.

Duties relating
to special taxes

SEC. 17. He shall keep a list of all certificates issued in each division, and, before the levy by the council of the special tax, shall report to the council a schedule of all the lots or parcels of land within the several divisions and wards which, under this act, may be subjected to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lot or parcel of land, which said schedule shall be verified by the affidavit of the comptroller, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

Relating to
countersigning
orders.

SEC. 18. If on or before the first day of January of any year the amount expended or to be expended, chargeable to any of the divisions or wards or city funds, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the city council, and he shall not countersign any contracts chargeable to such funds until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not exceed the revenue actually collected for the fund to which expenses are properly chargeable.

To adjust all
claims before
allowed.

SEC. 19. He shall examine the reports, books, papers, vouchers, and the accounts of the treasurer, and from time to time shall perform such other duties as the city council may direct.

SEC. 20. All claims and demands against the city, before they are allowed by the city council, shall be audited and adjusted by the comptroller, and all orders on the treasury shall be examined and countersigned by him before they are delivered by the city clerk.

To examine
accounts of
treasurer.

SEC. 21. The comptroller shall keep record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such records shall be open to inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city or either of the divisions or wards is a party.

To keep record
of all his acts
and doings.

SEC. 22. There shall be appointed by the city council a city engineer, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place in said city, and the city council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the divisions, shall be the property of said city and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the city council.

Duties of city
engineer.

SEC. 23. If any person having been an officer in said city, shall not, within ten (10) days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand (1000) dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the law of this state.

Property,
books, papers,
&c., to be de-
livered up by
retiring officers

SEC. 24. No alderman shall be a party to or interested in any job or contract with the city or either of the divisions, and any contract in which any alderman shall be so interested shall be null and void; and in case any money shall have been paid on any such contract, the city council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same.

Aldermen pro-
hibited from
being parties
to contracts.

SEC. 25. The mayor or acting mayor, sheriff of Hennepin county, coroner, and each alderman, all justices of the peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the

Officers of the
peace.

city limits, and for such purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty (50) dollars, and in cases where the civil authorities may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Other duties
may be requir-
ed of officers,
and other offi-
cers appointed
by council.

SEC. 26. The city council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless herein otherwise provided for; but no officer elected or appointed by the city council, or appointed by the mayor, as herein before provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The city council shall also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Official adver-
tising to be let
to the lowest
bidder.

SEC. 27. The city council at their first meeting in each year, or as soon thereafter as may be, shall cause its city clerk to advertise in the daily papers of the city for one week for sealed proposals for publishing in a daily newspaper of said city the ordinances, official proceedings of the council, and other matters required by this act or by the by-laws and ordinances of the city council to be published in a public newspaper; bids to state the price per inch for publishing ordinances, the price per inch for council proceedings, and the price per inch for advertisement matter, stating the price for first insertion, and price for each additional insertion; said bids to be marked "proposals for advertising," and addressed "to the city council of the city of Minneapolis," which bids shall be opened at the next meeting of the city council and the contract awarded to the paper bidding the lowest therefor; which said paper shall be declared the official paper of the city. Provided always that the proprietor or proprietors of such paper shall first enter into a written contract for the performance of the duties required by this and the next succeeding section, and shall give bonds with satisfactory sureties to be approved by the city council, for the faithful performance of such contract.

SEC. 28. The publisher or publishers of said official paper immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Affidavits of publication to be filed.

SEC. 29. The city council shall, at its first annual meeting in each year, or as soon thereafter as practicable cause its city clerk to advertise in the same manner as hereinbefore prescribed in section twenty-seven (27) for sealed proposals for doing the job printing of said city; said bids to state the price per thousand (1000) ems for composition, the price per pound for paper, and the price per token for press-work, which said bids shall be marked "proposals for job printing," and addressed, "to the city council of the city of Minneapolis," and opened at its next meeting, and the contract awarded to the lowest responsible bidder. Provided always that such lowest bidder shall enter into a written contract for the performance of such job printing, with like bond and sureties as specified in section twenty-seven (27) of this chapter, for the faithful performance of such contract.

Job printing to be let to the lowest bidder.

CHAPTER IV.

The City Council—Its General Powers and Duties.

SECTION 1. The aldermen shall constitute the city council, and the style of all ordinances shall be: "The city council of the city of Minneapolis do ordain," &c. The city council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

Style of ordinances.

SEC. 2. The city council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The city council shall be the judge of the election and qualification of its own members, and in such case shall have the power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

Stated and special meetings of council

SEC. 3. The city council shall have the management and control of the finances, and all the property of the city, and shall likewise, in addition to the power herein vested in

Powers of the
council.

them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison and watch house for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offence whatever, in any way cognizable before a city justice, to make all rules and regulations for the government of such prison and watch houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; the keepers of said prison and watch houses shall have and possess all the power and authority of jailors at common law or by the laws of this state. The city council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate any of the provisions or any ordinance, rule or by-law, passed and ordained by them, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law: Provided, that they be not repugnant to the laws of the United States, or of this state, and for these purposes shall have the authority by ordinances, resolutions or by-laws:

First—To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, taverns, victualing houses, and all persons vending or dealing in spiritous, vinous or fermented liquors, and provided all licenses shall commence and terminate on the first Monday of May in each year.

Powers of the
council.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the city council.

Third—To prevent any riots, noise, disturbance, and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth—To compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Powers of the council.

Fifth—To direct the location and management of slaughter houses and markets, breweries, distilleries, and to establish rates for and license vendors of gunpowder and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Sixth—To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, posts, awnings, or any other materials or substances whatever.

Seventh—To regulate the movement and speed of railroad locomotives and cars, and to prevent and punish immoderate driving or riding in the streets, to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the city limits.

Eighth—To restrain the running at large of cattle, swine, sheep, poultry, and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing, or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skins, of any kind, and on default to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, to regulate and license hacks, carts, omnibusses, and the charges of hackmen, draymen, cartmen and omnibus drivers in the city, and to erect lamps, and to provide for lighting the city, and to contract for the erection of gas works for lighting the streets and public grounds and public buildings, and to create, alter and extend lamp districts. Powers of the council.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births

and deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

Powers of the
council.

Thirteenth—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damages to such sidewalks.

Fifteenth—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any firearms in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying any citizen thereof.

Sixteenth—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all such persons who shall be guilty of the same.

Seventeenth—To restrain and regulate porters, and also runners, agents and solicitors for boats, vessels, stages, cars, public houses, or other establishments.

Eighteenth—To establish public markets and other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Twentieth—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Powers of the
council.

Twenty-first—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such occupant or owner to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Twenty-second—To control and regulate the construction of piers and wharves, or grading said wharves into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstruc-

tions in the water of said river, and to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of said city, and paid to said city, and to regulate the landings, levees, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Powers of the
council.

Twenty-third—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such dispositions of such persons as to preserve the health of said city.

Twenty-fourth—To regulate the time, manner and place of holding public auctions or vendues.

Twenty-fifth—To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-sixth—To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-seventh—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors, and provisions.

Twenty-eighth—To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

Twenty-ninth—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, public grounds, and highways of the city.

Thirtieth—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

Thirty-first—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

Thirty-second—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws, and enforce the same within the city.

Powers of the
council.

Thirty-third—To restrain and punish vagrants, mendicants, street-beggars and prostitutes.

Thirty-fourth—Fines, penalties and punishments imposed

by the city council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine, not exceeding one hundred (100) dollars, and imprisonment in the city prison or county jail not exceeding thirty (30) days, or both and to be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

Ordinances &c.
to be published

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the city council present, by ayes and nays, and published in the official paper, before the same shall be enforced [in force,] and shall be admitted as evidence in any court in the state without further proof; they shall be recorded by the city clerk in books provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the city council in its favor, which shall be taken by ayes and nays and entered among the proceedings of the council.

Powers to pro-
hibit nuisances
not to bar pro-
ceedings in
courts.

SEC. 5. The powers conferred upon the city council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

To examine
accounts of
city officers.

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners, city justices, wharf master and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired; and the city council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said council or a committee thereof, it shall be the duty of the city council to declare the office of such person vacant; and the city council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

SEC. 7. The city council may, during any fiscal year, by a vote of two-thirds, issue the bonds of said city, bearing interest not exceeding ten (10) per cent. per annum, and for a

time not exceeding one (1) year, in such amounts and under such regulations as the city council may prescribe, in anticipation of the taxes and revenues of such fiscal year: provided, that the amount of such bonds outstanding shall not at any one (1) time exceed one-third of such taxes and revenues: and provided, that such bonds or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may be issued.

May issue bonds in anticipation of taxes.

CHAPTER V.

Finances.

SECTION 1. The city council shall have power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government: provided, that such taxes shall in no year amount to more than one-half per cent. of the assessed valuation.

Tax levies.

Sec. 2. The city council shall also have power to levy special taxes upon the taxable property in each of the two (2) divisions and each of the wards of said city, for the purposes contemplated in chapter sixth of this charter, and under the restrictions mentioned in said chapter.

Special taxes in wards, &c.

Sec. 3. The city council shall also have power to levy a special tax each year, collectable only in lawful money of the United States or current bank bills, to provide for the payment of the principal and interest of the bonds of said city which by this charter they are authorized to issue, or of the bonds of either division or ward of said city which have been heretofore issued, and the amount collected by such tax shall be applied to the payment of the principal and interest of such bonds, or the purchase thereof before due, and to no other purpose.

Special taxes for payment of bonds.

Sec. 4. Taxes may be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds, or purchase thereof before due; if it be for improvements within either division of said city, it shall be kept and used for further improvements in the same division, or used in paying the outstanding debts or obligations of the same division, as the city council, with

Manner of levying taxes.

the assent of the majority of the aldermen elected from such division, shall determine.

Taxes to be collected by county officers.

SEC. 5. The city council shall cause to be transmitted to the county auditor of Hennepin county, on or before the first day of September of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes are paid, and the payment thereof enforced, and the county treasurer of said Hennepin county shall pay such taxes over, when collected, to the treasurer of said city.

Payments out of the city treasury to be made by vote of council.

SEC. 6. No money shall be paid out of the city treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the city council, and shall then be drawn out only upon orders signed by the mayor and clerk and countersigned by the comptroller, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the city council may determine.

Cancellation of orders.

SEC. 7. When any such order shall have been paid to or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon each fund separate.

Poll tax may be levied.

SEC. 8. It shall and may be lawful for the city council of said city, at any meeting, to levy a corporation poll tax upon every qualified voter in said city: Provided, that said tax shall not in any one (1) year exceed the sum of two (2) dollars on each person so taxed.

CHAPTER VI.

Divisions.

Divisions of the city.

SECTION 1. For the purpose of education, improvement of streets, and taxation for special purposes provided for in this charter, the city of Minneapolis shall be divided into two (2) divisions, one (1) of which divisions shall comprise the first, second, third and fourth wards of said city (being the territory heretofore included in the city of St Anthony) and shall be called "The east division of the city of Minneapolis." The other division shall comprise the fifth, sixth, seventh, eighth, ninth, and tenth wards of the city, and shall be called the west division of the city of Minneapolis

SEC. 2.—All public property which at the time of the enactment of this charter shall belong to the city of Saint Anthony, shall belong to said east division exclusively, and be kept or disposed of for its benefit, and all moneys, taxes due, and choses in action belonging to said city of Saint Anthony, shall be collected, kept and used for the benefit of said east division exclusively, and all debts, liabilities and obligations of said city of Saint Anthony, at the time of the enactment of this charter, including bonds proposed to be issued but not yet issued by said city of St. Anthony to aid in the preservation of the Falls of St. Anthony, shall, by such enactment, be assumed by said east division, and shall, together with the interest, accrued or to accrue thereon, be provided for and paid by taxes raised within said east division exclusively and by the appropriation to such purpose of all proceeds of the sales of any of the public property received from the said city of St. Anthony, which may be hereafter sold, and of all moneys or taxes of said city of Saint Anthony heretofore raised or levied to pay such debts and obligations.

Public property of St. Anthony.

SEC. 3. All public property which, at the time of the enactment of this charter, shall belong to the city of Minneapolis, shall belong to said west division exclusively, and be kept and disposed of for its benefit, and all moneys, taxes due and choses belonging to said city shall be collected, kept and used for the benefit of said west division exclusively; and all debts, liabilities and obligations of said city of Minneapolis at the time of the enactment of this charter, including bonds voted or proposed to be issued, but not yet issued, to aid in the construction of railroads, and to aid in the preservation of the Falls of St. Anthony, and including all other bonds authorized to be issued for any purpose, shall by such enactment be assumed by said west division, and shall, together with the interest accrued or to accrue thereon, be provided for and paid by taxes raised within said west division exclusively, and by the appropriation for such purpose of the proceeds of all sales of any of the public property received from the said city which may be hereafter sold, and of all moneys or taxes of said city heretofore raised or levied to pay such debts and obligations.

Public property of former city of Minneapolis.

SEC. 4. The city council shall have the power to provide by taxation in each of the divisions created in this chapter, for the payment of the debts and obligations assumed by such divisions, as hereinbefore provided, and interest on the same, and of determining the amount of tax to be raised in each of said divisions in each year for such purpose. Provided, that in determining such amount and in the levying of taxes

Taxation to pay debts of separate divisions.

thereof, it shall be necessary that a majority of the aldermen elected from the division affected thereby, shall in each case concur.

Highways,
bridges, &c.

SEC. 5. The city council of said city, shall have the care, supervision and control of all highways, bridges, streets, alleys, public squares and grounds within the limits of the city, and shall have [the] power to build and keep in repair bridges, lay out, open, alter and vacate public squares, highways, lanes and alleys, and widen or straighten the same, and take ground for the site of public buildings, subject to the assessment of damages, as hereinafter provided.

Repairing and
draining
streets, &c.

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters, sewers and sidewalks within said city, and to direct and control persons employed thereon, or to provide for doing the same in any other manner in either division, a majority of the aldermen of such division concurring, and all such improvements shall be superintended by the street commissioner of the proper ward, within which the same shall be made.

Taking of
private prop-
erty—proceed-
ings necessary.

SEC. 7. Whenever it shall be necessary to take private property for the purposes contemplated in the last two sections, the city council shall appoint five (5) commissioners who shall be freeholders and qualified electors of the city, to view the premises and assess damages which may be occasioned by the taking of such private property. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office on a day fixed by him for the purpose of qualifying and entering upon their duties, and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city not exceeding fifty (50) dollars, and shall be prosecuted therefor before a city justice, as in case of fines imposed for violation of an ordinance of the city, and the commissioners in attendance shall be authorized to fill all vacancies by appointment of proper persons from the wards not represented, or the city council may in its discretion fill such vacancies.

The commissioners shall be sworn by the city clerk or any officer authorized to administer oaths, to discharge their duties as commissioners in the matter with impartiality and fidelity, to make due return of their actions [and doings] to the city council.

The said commissioners shall, with all reasonable dispatch, with the assistance of the city engineer, cause a survey and plat of the proposed improvement or grounds to be made and filed with the city clerk, exhibiting as far as pos-

sible the lands or parcels of property proposed to be taken or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said city, once in each week for two (2) successive weeks, to the effect that such plat has been filed, and that the said commissioners will meet at a time and place designated in such notice, and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement. The time so designated must be at least fifteen (15) days after the first publication of such notice.

Taking of private property—proceedings necessary.

At the time and place designated in such notice the commissioners shall proceed to view the premises and may hear any evidence or proof offered by parties interested, and adjourn from day to day for such purpose. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, or such other damage as may be incident thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

If there should be any building standing, in whole or in part, upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much thereof as might be necessary, should be taken, and also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings shall be assessed separately from the damages in relation to the lands upon which they are erected.

If the lands and buildings belong to different persons, or if the lands be subject to lease, mortgage, judgment or lien, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

Said commissioners having ascertained and assessed the damages aforesaid, shall make and file with the city clerk a written report to the city council of their action in the premises, embracing a schedule or assessment of the damages in each case with a description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceeding.

Taking of private property—proceedings necessary.

Upon such report being filed in the office of the city clerk, said city clerk shall cause to be published, in the official paper of said city, a notice to the effect that said assessment has been returned and filed, and that the same will be confirmed by the city council at a meeting thereof, to be named in said notice, and which shall be at least ten (10) days after the publication thereof, unless objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings, standing in whole or in part upon land required to be taken, shall, on or before the time specified in said notice, notify the city council in writing of their election to remove such buildings (if they so elect.) according to the award of the commissioners. The city council upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over to be referred, shall have power in their discretion to confirm, revise or annul the assessment, giving due consideration to any objections interposed by parties interested.

The damages assessed shall be paid or tendered or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within one year from the confirmation of such assessment and report, and the land required to be taken shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the city council, in the district court for Hennepin county, in the same manner as moneys are paid into court until parties thereto shall substantiate their claims to the same.

In case the owner or owners of any buildings aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove the same within thirty days from the confirmation of such report, or within such further time as the city council may allow for such purposes, and shall thereupon be entitled to payment from the city of the amount of damages awarded in such case in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after such election to remove) the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking in manner aforesaid, may then be

taken and appropriated, sold or disposed of in such manner as the city council shall direct, and the same, or the proceeds thereof, shall belong to the city.

When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any legal disability, the judge of the district court or court commissioner for said county of Hennepin may, upon the application of such commissioners or of the mayor of said city, or of the party laboring under such disability, or his next friend, appoint some suitable person guardian for such person, which guardian shall stand in all respects for and in the place of the party whom he represents in the proceedings.

Taking of private property—proceedings necessary.

Any person feeling aggrieved by such assessment may by notice in writing served on the mayor of said city, a copy whereof with proof of service, shall be filed in the office of the clerk of the district court in said Hennepin county within twenty days after the confirmation of such report or assessment, appeal from such assessment to the district court aforesaid. Such appeal shall be tried by the court or jury as in ordinary cases, but no pleadings shall be required and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objections than those so specified considered, and a transcript of such report, certified by the city clerk, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and that all proper notices were duly given and proper proceedings had. The judgment of the district court therein shall be final; such appeal shall be entered and brought on for trial and be governed by the same rules in other respects as appeals from justices of the peace in civil actions.

SEC. 8. The expenses of building, repairing and maintaining bridges (except those mentioned in the next section) laying out, opening, widening and straightening highways, streets and public grounds within said city and lighting the same shall be borne by the division within which the same may lie, but the expenses of grading, repairing, constructing, paving and cleaning the public grounds, highways, streets, alleys, reservoirs, gutters, sewers and sidewalks within said city, shall be borne by the ward in which said work is done, and all damages assessed for private property taken for public use (save what is mentioned in the next section) under the provisions of section seven (7) of this chapter, shall also be paid for from moneys raised in the division within which such property is taken, and shall in each case

Street improvements, &c., to be paid by the divisions or wards.

be raised by taxation upon the taxable property of the proper division: Provided, that the city council shall have no power to authorize any such expense to be incurred, nor to levy any tax to meet the same, unless a majority of the aldermen elected from the wards composing the division affected thereby shall vote in favor of the same, and, provided further that all funds accruing from the levy and collection of taxes in the several wards of said cities of St. Anthony and Minneapolis as heretofore constituted, shall be applied first to the payment of the existing indebtedness of such wards respectively where such taxes were levied, and the balance of such funds, if any, shall be expended in making improvements within the territory where such taxes were so levied and collected.

Free bridge
across the
Mississippi
river.

SEC. 9. The city council shall have the power, and it shall be its duty, to cause to be constructed within the limits of said city, two (2) substantial carriage bridges across the Mississippi river, one (1) of said bridges, to be located above Nicollet Island, and one (1) to be located below said island; and it shall be the duty of the said city council, immediately after its first organization, to take the necessary preliminary steps for the construction of the said bridges, and said council shall contract for the construction of the said bridges and cause the construction thereof to be commenced as soon as practicable thereafter, and at all events, before the first day of January A. D. one thousand eight hundred and seventy-three (1873); and shall cause the said bridges to be fully completed and open for travel on or before the first day of January A. D. one thousand eight hundred and seventy-four (1874). Said bridges shall be public highways, and shall be maintained by the city forever free for the use of the public.

And for the purpose of providing the means for the construction of the said bridges, the said council is hereby authorized and required to issue and negotiate the bonds of the said city not exceeding in the aggregate the sum of two hundred thousand (200,000) dollars, and to provide from time to time, by taxation upon the taxable property in said city, for the payment of the principal and interest of the said bonds. And the said city council shall have the power, and it shall be its duty to accept free of cost from Hennepin county, and to raise and strengthen the suspension bridge in the said city, and to construct sidewalks thereon; the work to be commenced on or before the first day of January A. D. one thousand eight hundred and seventy-three (1873), and to be finished on or before the first day of April, A. D. one thousand eight hundred and seventy-four (1874), at a cost not to exceed fifty thousand (50,000) dollars of the bonds of the

said city, which bonds, or so many thereof as may be required for that purpose, the said city council is hereby authorized and required to issue and negotiate. And the said city council shall keep and maintain the said suspension bridge, together with the bridge used in connection with said suspension bridge, extending from said Nicollet Island to the east shore of said river, or another bridge in the same location, as a free and public highway forever.

SEC. 10. All the provisions of the last foregoing section shall be considered and construed as being in the nature of a contract between the said east division of the said city, as the successor of the said city of St. Anthony, as the party of the first part, and the said west division of the said city, as the successor of the former city of Minneapolis, as party of the second part, and all the provisions of this act inconsistent with any provision contained in said last section, shall be subordinate to and controlled by the provision of the said last foregoing section.

The provisions of previous section to be considered a contract between the former cities.

SEC. 11. The school system heretofore in force in each of said divisions shall remain the same, except that the corporation heretofore known as "the board of education of the city of St. Anthony" shall hereafter be styled and known as "the board of education of the east division of Minneapolis," and the corporation heretofore [heretofore] known as "the board of education of the town of Minneapolis," shall hereafter be styled and known as "the board of education of the west division of Minneapolis." Provided that nothing in this act contained shall be so construed as to change the boundary lines as now or heretofore existing, of any school district, common or independent, on the west side of the Mississippi river, or in any way affect the said districts, their rights, obligations and liabilities.

School organization for each division.

SEC. 12. The elections for directors in said east division shall take place at the time of the annual city elections, and such directors shall be voted for upon the same ticket with city and ward officers in said division; and all powers with reference to said division heretofore vested in the city council of the city of Saint Anthony are hereby vested in the city council of the city of Minneapolis; and all reports heretofore required to be made by the board of education of the city of Saint Anthony to said city council, shall hereafter be made by the board of education of said east division to said city council; and all duties heretofore performed by officers of the city of Saint Anthony respecting the business or affairs of such board of education, shall hereafter be performed by officers of the city of Minneapolis exercising like functions.

Election of school directors.

CHAPTER VII.

Fire Department.

Fire limits may
be established.
Provisions to
guard against
fire.

SEC. 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within fire limits when the same shall have been damaged to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SEC. 2. The city council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and throwing of ashes in the streets and highways.

To require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire.

To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires.

To regulate and prevent the use of fireworks and fire-arms.

To compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same.

To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to dangers thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Division of city
into fire dis-
tricts.

SEC. 3. That the said city be divided into two (2) fire divisions, the said divisions to correspond to the aforesaid divisions of the east and west divisions of Minneapolis, and that all property connected with the fire department and now belonging to the city of Saint Anthony and the city of Minneapolis, shall be considered the property respectively

of said divisions, and the taxes for organizing and sustaining the fire department in each division shall be raised separately in each division, as taxes for local improvements, and require in like manner the consent of a majority of the aldermen from the division thereby affected. And any member having served for the term of five (5) years in either of said companies shall be forever thereafter exempt from poll-tax.

SEC. 4. The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook-and-ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meeting to be prohibited and their apparatus to be given up. Each company shall not exceed one hundred (100) able-bodied men, between the ages of eighteen (18) and forty (40) years, and may elect their own officers and form their own laws, not inconsistent with the laws of this state or the ordinances of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll-tax, from serving on juries, and from military duty, during the continuance of such membership: provided, that in all questions involving any tax or expenditure relating to either of said divisions, the consent of a majority of the aldermen of that division shall be obtained.

Purchase of
fire engines
and organiza-
tion of fire
companies.

SEC. 5. There shall be a meeting of the companies of each division on the third Monday of November in each and every year, at such places as may be designated by the chief engineer of the division, when they may nominate for each division a chief engineer and two (2) assistant engineers, subject to the approval of and confirmation by the city council, but after the first general election it shall be the duty of the city council to appoint said officers, to continue in office until the time of said nominations as aforesaid.

Annual meet-
ing for election
of officers.

SEC. 6. At the said time, the members of said companies in each division shall nominate, subject to the approval of and confirmation by the city council, three (3) fire wardens, who shall perform such duties as the city council prescribe, and they may at any time enter into or upon any house, barn, or other building or enclosure, for the purpose of inspecting the same.

Fire wardens
to be elected.

SEC. 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officers giving such order, to arrest, or to direct orally any constable,

Police regula-
tions at fires.

police officer, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner, such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the city council may prescribe, not exceeding fifty (50) dollars.

CHAPTER VIII.

Miscellaneous Provisions.

All street work
to be under
supervision of
commissioners

SEC. 1. All work for the city, or either of the divisions, upon the streets, alleys or public grounds, shall be under the direction and supervision of the street commissioner of the ward where such work shall be done, but the city council may, if they deem it expedient, direct certain work to be let by contract, and may directly or by a committee supervise the letting of the same, and accept or reject contracts proposed, as they shall deem expedient.

Reconsidera-
tion of votes in
council.

SEC. 2. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

Remission of
penalty or
judgment

SEC. 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

Action to be in
corporate name
of city.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police, or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city.

Provisions for
violation of
this act or ordi-
nances, &c.

SEC. 5. In all prosecutions for any violation of this act, or of any by-law or ordinance of the city of Minneapolis, the first process shall be by warrant; provided, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the city of Minneapolis, but the person or persons so arrested may be proceeded against, tried, convicted, punished, or discharged in the same manner as if arrested by warrant. All process issued by city justice for violation of any ordinance or by-laws of the said city, shall run in the name of the state of Minnesota, and shall be directed to the chief of police or any police officer of the said city.

SEC. 6. In all cases of imposition of penalty or fine, or the rendering of a judgment by any of the justices of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of Minneapolis, as a punishment for any offense or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Hennepin county, and there be imprisoned for a term not exceeding three (3) months, in the discretion of such city justice unless the said fine or penalty be sooner paid, and from the time of the arrest of any person or persons for any offence whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no such prison, in the common jail of Hennepin county.

Penalties and imprisonment.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 8. All ordinances and resolutions heretofore made and established by the city council of the city of Saint Anthony, or by the common council of the city of Minneapolis, not inconsistent with the provisions of this act shall be and remain in force until altered, modified or repealed by the city council of said city, after this act shall have taken effect.

Ordinances and laws of St. Anthony to be in force until changed.

SEC. 9. All fines, penalties, judgments and moneys (except officers' fees) that may be imposed, levied or collected by the city justices, or that may be collected by any other officer of said city for any violation of any by-law or ordinance of said city, or of any of the laws of the state of Minnesota, shall be vested in and be the sole and exclusive property of the said city.

Fines, penalties, &c.

SEC. 10. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may have been in such case provided.

Service of process in suits brought by the city.

SEC. 11. The city council may cause to be established from time to time, as rapidly as the convenience of the inhabitants may require, under the direction of the city engineer, the grade of all streets, sidewalks and alleys of said city, and shall cause accurate profiles thereof to be made and kept in the office of the city engineer.

Grades of streets.

SEC. 12. The said city may lease, purchase and hold real estate sufficient for the convenience of the inhabitants thereof,

May purchase real estate.

and may sell and convey the same, and the same shall be free from taxation.

No state laws to modify any provisions of this act, unless fully set forth.

SEC. 13. No law of the state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

Jail fees, offences committed under state laws.

SEC. 14. The city of Minneapolis shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Hennepin county under the state laws.

Relating to tax or improvement liens.

SEC. 15. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvements chargeable to, or assessed against the property under this act, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Poll tax how collected.

SEC. 16. The street commissioner of each ward shall collect the poll tax in his ward, which may be levied by the city council, and each street commissioner shall, in his ward, have all the powers possessed by road supervisors, as provided by the laws of this state, and shall report to the city council when required.

Salary of aldermen.

SEC. 17. Aldermen shall receive from the city compensation for services not exceeding one hundred (100) dollars per year.

Width of side walks.

SEC. 18. The city council shall prescribe the width of all sidewalks by them ordered to be constructed or repaired, and the materials with which the same shall be constructed or repaired.

Construction or repair of side walks.

SEC. 19. Whenever the city council shall deem it necessary to construct or repair any sidewalk within said city of Minneapolis, they shall require the street commissioner of the ward in which said improvement is proposed, to notify the owner or owners, or occupant of any lot or lots adjoining such sidewalk, to make or repair the same at his or their own proper cost or charge, within a certain time designated, by the publication in the official paper of said city, for two (2) weeks, of a notice setting forth what work is required to be done by such owner or owners, or occupants, and the time within which he or they are required to do the same.

If such work is not done in the manner and within the time prescribed, the cost of doing the same along each and every such adjoining lot shall be estimated and returned to the city council by the city engineer and the same shall thereupon become chargeable upon such lot, with interest

from the date of such return, till paid, and if the same is not paid, with interest, on or before the twentieth day of August next thereafter, then the council shall add to such estimated cost, the accrued and accruing interest thereon up to the first day of February next following, and shall assess the amount thereof upon such lot, and return a statement thereof to the county auditor, with a statement of the city taxes by them levied, on or before the first day of September in each year. Every such assessment so made and returned shall constitute a lien upon such lot or lots, and collections thereof enforced in like manner as city, county and state taxes, and the county treasurer shall pay over the same to the city treasurer, when collected as in case of other city taxes.

Upon the return of the estimated cost of any such work by the city engineer, the city council shall provide for the doing of the same by the street commissioner of the proper ward, or by contract with other parties at a price not exceeding such estimated cost as it deems best.

SEC. 20. As respects either division of said city, the city council, a majority of the aldermen of that division concurring, shall have the power to regulate the grading of streets constituting in whole or in part the boundary lines of the wards or passing from one ward into another, also as respects the west division of said city, a majority of the aldermen of that division concurring, to provide for the apportionment and assessment of taxes for expenses incurred in the purchase of public grounds, constructing sewers and other works of either a general or local character upon the whole division or any portion thereof without regard to ward lines, or partly upon both, in such manner as may seem just, regard being had to the character of the improvement and the benefits conferred, and in regard to services [sewers] already undertaken, the expenses and indebtedness incurred and to be incurred therefor, shall be apportioned by taxation in such manner upon the whole division and the adjacent property to such sewers as was indicated and pledged by the common council of the old city of Minneapolis, when undertaking the same by resolution, by them adopted in reference thereto, also for the purpose of providing for the extension of the water works in said West Division, the city council with like concurrence may borrow money upon the credit of said Division, not exceeding the sum of twenty thousand (20,000) dollars.

Grading of streets in the divisions, how regulated.

CHAPTER IX.

Public notice
of first city
election.

SEC. 1. The city clerk of the city of St. Anthony, and the city clerk of the city of Minneapolis shall ten (10) days before the time herein appointed for the election of city officers, issue and cause to be posted up in not less than two (2) public places in each ward of the city of Minneapolis, as created by this act, notices of the first city election to be held under this act, on the first Tuesday of April, A. D. one thousand eight hundred and seventy-two (1872), which notice shall designate the time and places in each ward of holding such election, and the officers to be voted for thereat.

Judges of elec-
tion.

SEC. 2. At least fifteen (15) days before the first annual election under this charter the city council of the city of Saint Anthony shall appoint judges of election for the first four (4) wards of the city, and the common council of the city of Minneapolis shall appoint judges of election for the last six (6) wards, selecting in each case three (3) qualified voters in each of the respective wards, and shall also designate the place of holding such election in each ward.

The judges of election shall meet at the place appointed for holding such elections in their respective wards, on Saturday, the twenty-third day of March, A. D. one thousand eight hundred and seventy-two (1872), at ten (10) o'clock in the forenoon, and in case of any failure to appoint such judges, the electors of the proper wards who shall assemble at such time and place, may choose such judges of election *viva voce*, or fill any vacancies. The judges appointed or chosen in each ward shall appoint two (2) qualified electors of the ward, clerks of election, and shall proceed to make a list of the names of all such persons who are entitled to vote in said ward, conformably to the provisions of this charter concerning elections, (except as to time). Three (3) copies of such lists shall be posted by the said judges in three (3) public places in such ward at least five (5) days before the day of election, together with a notice of the time and place, when and where the judges of election will be present for the purpose of making all necessary corrections in said list. It shall be the duty of the judges of election of each of said wards on the Saturday next preceding such election, and if necessary also on the Monday next preceding such election, from the hour of nine (9) in the forenoon till four (4) in the afternoon, and for two hours next preceding the opening of the polls on the day of election, to be present at the place appointed for holding such election, for the purpose of

making all necessary corrections in such list. In all other respects said first city elections shall be governed by the rules prescribed in this charter, except that the returns of said first election shall be made to the city clerk of the city of St. Anthony, within forty-eight (48) hours after the closing of the polls. On the sixth day of April, A. D. one thousand eight hundred and seventy-two (1872), at ten (10) o'clock in the forenoon, the city clerk of the city of Minneapolis, and the city clerk of the city of St. Anthony, at the office of the latter, shall open and canvass said returns, and after ascertaining what officers are or appear to have been elected, shall notify such officers of their election.

SEC. 3. The aldermen elect shall hold their first meeting at the office of the city clerk of the city of St. Anthony, on Tuesday, the ninth (9) day of April, A. D. one thousand eight hundred and seventy two (1872), when they shall qualify and proceed to organize the city council. The city clerk of the city of St. Anthony shall act as the city clerk of the city of Minneapolis until the city council shall elect a city clerk.

First meeting
of aldermen.

SEC. 4. When the city council shall have organized, the functions of the city council of the city of St. Anthony and the common council of the old city of Minneapolis shall cease to have or exercise any further powers. The act to incorporate the city of Minneapolis approved February six (6), one thousand eight hundred and sixty-seven (1867), and all acts amendatory thereof, and the act to incorporate the city of St. Anthony approved March third (3), one thousand eight hundred and fifty-five (1855), and all other acts amendatory thereof, are repealed from and after the election and qualification of the aldermen whose election is herein provided for.

When old
council shall
cease.

SEC. 5. Notwithstanding the supersedure or repeal by this act of the act incorporating the city of St. Anthony and acts amendatory thereof, and other acts affecting the interest of the inhabitants of the city of Minneapolis, or any portion thereof, it is not intended that any rights vested shall be lost thereby; but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence and rights of every kind inchoate or perfected, the provisions of such acts as are hereby superseded or repealed, and of all ordinances passed by the council of either of said cities, shall be deemed to continue in force.

Vested rights
not be affected
by union of the
two cities.

SEC. 6. This act is a public act and need not be pleaded or proven in any court in this state.

This act to be
a public act.

SEC. 7. This act shall take effect from and after its passage.

When act to
take effect.

Approved Feb. 28, 1872.

February 29,
1872.

*An Act to authorize the Incorporation of the City of
Faribault.*

CHAPTER 1. City and ward boundaries.

2. Duties of officers.
3. The Common Council—its general powers and duties.
4. Taxes.
5. Opening and vacating streets, alleys, &c.
6. Fire Department.
7. Street grades and sidewalks.
8. Lighting of Streets—Supply of water.
9. Miscellaneous provisions.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

Corporate
name of the
city—all pro-
cess to be ser-
ved on the
mayor.

SECTION 1. All that part of the county of Rice, state of Minnesota, contained within the limits and boundaries of hereinafter specified, shall be a city by the name of Faribault, and the people now inhabiting or who shall hereafter inhabit the district of country herein described, shall continue to be a municipal corporation by the name of the city of Faribault, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Faribault, to-wit: beginning at the northeast corner of the southeast quarter of section number twenty (20), in township number one hundred and ten (110), north of range number twenty (20) west, and running from thence west (3) three miles,

OF MINNESOTA FOR 1872.

thence south three (3) miles, thence east three (3) miles, and thence north three (3) miles to the place of beginning, and embracing the following named sections and parts of sections, to-wit: the south half of sections nineteen and twenty (19 and 20), and all of sections twenty-nine (29), thirty (30), thirty-one (31) and thirty-two (32), in township number one hundred and ten (110), north of range number twenty (20) west; also the south half of section number twenty-four (24), and all of sections twenty-five and twenty-six (25 and 36), [twenty-five and] in township number one hundred and ten (110), north of range number twenty-one (21) west; also the north half of section number one (1) in township number one hundred and nine (109), north of range number twenty-one (21) west, and the north half of sections five and six (5 and 6), of township number one hundred and nine (109), north of range number twenty (20) west of the fifth (5th) principal meridian in said county of Rice.

Corporate
name of the
city—all pro-
cess to be
served on the
mayor.

Sec. 3. Said city shall comprise and is hereby divided into four wards, as follows: the first ward shall comprise all the territory within said city limits contained within the following described boundary lines, to wit: beginning at a point in the centre of Third street where the centre line of Chestnut street crosses the same, and running from thence north along the centre line of Chestnut street to the northern boundary of North Faribault, and from thence west along said boundary to intersect the line dividing the east and west halves of section number thirty (30), of township number one hundred and ten (110), north of range number twenty (20) west, and thence along said dividing line to the northern boundary line of said city; thence east along said boundary line to the east line of the same; thence south along said east line to a point opposite and due east from the place of beginning, and from thence west to the place of beginning.

The second ward shall comprise all that portion of said city lying west of the first ward and north of a line running through the centre of Third street west to the west line of McClelland's second addition to Faribault; thence north along said west line to the centre of Fourth street road so called; thence westerly along the centre of said Fourth street road to its intersection with the western boundary line of said city. The third ward shall comprise all that portion of said city lying south of the second ward and west of a line running south through the centre of Chestnut street to the south line of Geo. H. Faribault's addition to Faribault; thence west along said south line to the line

SPECIAL LAWS

dividing the east and west halves of section thirty-one (31), of township number one hundred and ten (110); north of range number twenty [(20) west,] and section six (6) of township number one hundred and nine (109), north of range number twenty (20) west; thence south along said dividing line to the southern boundary line of said city.

The fourth ward shall comprise all the territory within the city limits south of the first ward and east of the third ward of said city.

Elective
officers—term
of office.

SEC. 4. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday of April of each and every year, at such place in each ward as the common council shall designate; and the poll shall be kept open from nine o'clock in the forenoon until five in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such election and of the officers to be elected, by posting notices thereof in three public places in each ward, and by publishing the same in at least one of the papers published in said city.

Provided, that the first election in said city shall be held on the first Tuesday of April, 1872, and that for the purpose of the first election under this act, H. N. Matteson, B. F. Straub, and Ernst Fleckenstine shall be inspectors of election and also the board of canvassers for such election, and shall perform all the duties and possess all the powers as inspectors of election and board of canvassers prescribed by this act. They shall appoint the place of holding the polls of such election and post or publish notice thereof ten days before the same: provided, in case any of the foregoing board of canvassers should not be present at the opening of the polls or should fail to act as such inspectors, then and in that case it shall be lawful for the bystanders to fill any such vacancy as may occur in said board. At said election all the elective officers provided for by this act shall be elected, and any legal voter residing within the city limits as in this act designated, may vote for any or all of said officers at said election: provided, that not more than two of the persons voted for as aldermen nor more than one of the persons voted for as city justice shall be residents of the same ward in said city.

At said first election there shall be provided two ballot boxes, in one of which shall be deposited by one of the board of inspectors the written or printed ballots of each voter with the words "for city charter, yes," or "for city charter, no," written or printed thereon, and in the other shall be deposited in like manner the ballots of each voter

for the officers to be voted for at such election. After the closing of the polls the board of canvassers shall first proceed to count the ballots deposited in the ballot box provided for the votes for or against the city charter, and in case a majority of said ballots shall be found to contain the words "for city charter, yes," then and in that case and not otherwise the board of canvassers shall declare the city of Faribault duly incorporated as in this act provided, and shall immediately proceed to count the ballots for city officers, and after such count the person or persons receiving a plurality of votes shall be declared duly elected, and such persons shall hold their respective offices until the next general election as provided for in section 6 of this act, and until their successors are elected and qualified.

Elective
officers—term
of office.

SEC. 5. The corporate name of the city governed by this act, shall be "The City of Faribault," and all and every process and notice whatever affecting any such city shall be served upon the mayor, and in his absence, upon the president of the council, and in the absence of both, upon the clerk, and in the absence of these officers from the city, then by leaving a certified copy at the office of said clerk.

SEC. 6. The elective officers of the city shall be a mayor, treasurer, recorder, one justice of the peace for each ward, who shall be styled city justice, all of whom shall be qualified voters of the city, and two aldermen in each ward, who shall be qualified voters therein; all other officers for said city shall be appointed by the common council, unless otherwise provided. At the first general election for city officers, there shall be elected in each ward two aldermen, one for one year, and one for two years, at every annual election thereafter one alderman shall be elected from each ward, who shall hold his office for two years and until his successor is elected and qualified. The city justices shall hold their offices for two years and until their successors are elected and qualified; [all other elective officers shall hold their offices for one year and until their successors are elected and qualified.]

SEC. 7. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defence. The common council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and have power to

Officers can be
removed—how
—when office
may be declar-
ed vacant.

compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if such officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

Vacancies how filled.

SEC. 8. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation, or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant by resolution entered upon the minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after said vacancy is declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections shall be by ballot—in case of a tie how decided.

SEC. 9. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Who entitled to vote—what to constitute election districts—to whom returns to be made.

SEC. 10. All persons entitled to vote for state or county officers, and who shall have resided in the city for four months next preceding the election, and ten days in the ward where they offer to vote shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created, provided their name shall have been duly inserted in the list of qualified electors of the ward in which they reside, as in the case of the election of state and county officers; and the different wards established by law shall constitute election districts for state and county as well as city elections, and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of the county within the time and manner prescribed by law.

SEC. 11. The elections in said city shall be held and conducted by the aldermen of each ward, and one other elector

of each ward, to be appointed by the common council, who shall be inspectors of election, and shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filed [filled] as required by the laws of this state regarding elections; provided, that no candidate for office shall act as inspector or clerk at such election.

How elections to be conducted.

SEC. 12. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the clerk of the common council, within three days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three days thereafter. The recorder of the common council shall forthwith notify the officer or officers elected, of their election by written notices served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

Duties of inspectors—when votes to be canvassed—who to notify officers of their election.

SEC. 13. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

Special election—how conducted—how called.

SEC. 14. Any officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

When office deemed vacant.

SEC. 15. The term of every officer elected under this law shall commence on the second Tuesday of April for the year for which he was elected, and shall unless otherwise provided, continue for one year and until his successor is elected and qualified.

When term of office begin.

SEC. 16. Should there be a failure by the people to elect [any officer] herein required to be elected on the day designated, the common council may order a new election, to be held, ten days' notice of the time and place being given.

When new election may be ordered.

CHAPTER II.

Duties of officers.

Officers to give bonds—penalty for refusal to give additional bonds.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same duly certified by the officer taking the same, with the recorder of the city, and the treasurer and marshal and such other officer as the common council may direct, shall severally before entering upon the duties of their respective offices, execute to the city a bond, with at least two sureties, (to be approved by the common council) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor—to be the chief executive officer and head of the police.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbances, he may appoint as many special or temporary constables as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him whenever in his opinion the welfare of the city may demand it, or a reduction of their number renders it necessary.

Mayor to sign all laws, &c.—in case of veto how council to act.

SEC. 3. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto, by depositing with the recorder to be presented to the common [council] at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if after such reconsideration the common council shall pass the same by a vote of two-thirds of the mem-

bers elected, it shall have the same effect as if approved by the mayor, and in such [case] the vote shall be by ayes and noes, which shall be entered in the record by the recorder. If an ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 4. At the first meeting of [the] common council in each year, they shall proceed to elect by ballot from [their] number a president and vice president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice president shall act as presiding officer for the time being, and discharge the duties of said president. The president of the common council, or temporary presiding officer, while performing the duties of mayor, shall be styled the acting mayor, and the acts performed by him while acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and president and vice president of the common council shall have the right to administer oaths and affirmations.

When officers of council elected—when president of council to act as mayor—who may administer oaths.

SEC. 5. There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meeting it shall be his duty to attend. Copies of all papers filed in office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations and take acknowledgement of deeds and other writings.]

Duties of recorder.

SEC. 6. It shall be the duty of the city recorder to report to the common council the financial condition of the city, whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable, and

When recorder to make special report—when to make annual report—what to contain.

the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually on or before [about] the first day of April, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of April.

Further duties
of recorder.

SEC. 7. He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city, and certificates of work authorized by any committee of the common council or by any city officer. And every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the recorder. The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates, or other evidences of indebtedness [issued by the common council—the amount of all bonds, orders, certificates, or other evidences of indebtedness] which have been redeemed, and the amount of each outstanding, to countersign all bonds, orders or other evidences of indebtedness of the city, and to keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the city or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified by the affidavit of the recorder, and shall be prima facie evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. If before the first day of January of any year, the amount expended or to be expended, chargeable to any city fund, (adding thereto the current expenses estimated for the remainder of the fiscal

year and chargeable to such fund) shall be equal to three-fourths of the tax authorized to be raised or revenue estimated for such fund, he shall report a once the same to the common council, and he shall not countersign any contract chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are actually [properly] chargeable. The recorder shall examine all reports, books, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested: and any contract in which he may be interested shall be null and void.

Further duties
of recorder.

SEC. 8. The common council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and when required, shall furnish opinions upon any subject submitted to him by the common council or its committees.

Council to elect
city attorney—
duty of.

SEC. 9. The treasurer shall receive all moneys belonging to the city, including all taxes, license money and fines, and keep accurate and detailed account thereof, in such a manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk, and a copy of the same published in one or more of the city newspapers, or in the paper published nearest to said city. He shall also report to the common council at such times and in such manner as they may require.

Duties of treasurer.

SEC. 10. There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police officers and watchmen of said city shall possess the powers of constables at common law, or by the laws of this state; and it

Mayor to appoint chief of police—powers of police and watchmen.

shall be their duty ~~to~~ execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justice, for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and also all writs and process whatever, issued by the city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of the state, and when performing the duties of constables aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or any violations of the laws of this state, or of the ordinances or by-laws of the city; and for these purposes shall possess the powers of constables at common law, while on duty.

When council
to elect street
commissioner
—term of office
—duties of—to
give bonds.

SEC. 11. The common council shall, at their first meeting after the annual election, or an adjournment thereof, elect by ballot a street commissioner, who shall hold his office for one year, and until his successor is elected and qualified. It shall be the duty of the street commissioner to superintend all work and improvements on the streets, bridges and public grounds of the city, and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the streets, roads, bridges and public grounds of the city; and he shall be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity, or belonging to the city.

When council
to elect assessor
—duties of
term of office.

SEC. 12. The common council shall, in the month of April in each year, elect an assessor, who shall be styled the city assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying of all city, county and state taxes. And upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper. Said city assessor shall hold his office for one year, and until his successor is elected and qualified.

Authority and
powers of jus-
tices of the
peace.

Sec. 13. The justices of the peace of the city, styled city justices, shall possess all the authority, power and rights of a justice of the peace of the county under the laws of this state, and shall have, in addition thereto, exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the city charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, pros-

ecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offenses committed against the same. And the said city justices shall have jurisdiction in cases of larceny, and may hear and try the same where the amount claimed to have been stolen does not exceed the sum of twenty-five dollars. In all prosecutions for assaults, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justices the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgment and decisions of said city justices shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power and authority in cases of contempt, as a justice of the peace under laws now in force. All fines and penalties imposed by the city justices for offenses committed within the city limits, for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city, for offenses against the laws of the state, of the county treasury.

Authority and powers of justices of the peace.

SEC. 14. The city justices shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer, all fines and penalties collected or received by them belonging to said city; and said justices shall be entitled to receive from the county such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

To report to council—fees.

SEC. 15 Said justices shall be in attendance at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to, and writs and process issued by them at all times, in court or otherwise.

Office hours.

Jurisdiction.

SEC. 16. In all suits brought on behalf of said city for the recovery of any forfeiture, fine or penalty, in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said city, and on complaints for assault, battery or affray, or other misdemeanor, or criminal offense, not indictable, committed within said city, the said justices shall be authorized to tax, with the other legal costs, one dollar for each trial, for the benefit of said city, and their residence in said city shall not deprive them of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a justice of the peace.

**City surveyor—
his duties.**

SEC. 17. The common council, at their first meeting in each year, or as soon thereafter as may be, shall elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council shall prescribe his duties, and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of persons interested; and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor, or the common council.

**City printing—
to be contract-
ed for.**

SEC. 18. The common council, at their first meeting after each annual election, or as soon thereafter as may be, shall elect a city printer to do the city printing, giving public notice of not less than one week, in such manner as the council may direct, and the person or persons thus elected to do the city printing, shall give satisfactory security for the performance of the work, and shall thereupon be declared city printer or printers for the ensuing year, and in the newspaper printed by such city printer or printers, shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the the common council to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance, or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or res-

olution; Provided, That if no person will publish, or offer to publish in any newspaper published in said city, such ordinances or other matters as the common council may require to be published, at a rate not exceeding that now prescribed by statute for legal advertisements or notices, the common council may make such other provision for publishing its ordinances, by-laws and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 19. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his [possession] office belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one thousand dollars besides all damages caused by his neglect or his refusal to deliver, and said successor may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

Delivery of
books to suc-
cessor in office.

SEC. 20. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for, but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three months from the first organization and meeting of the common council after the first year, the compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office. *Provided, That*

General powers
of council over
other city
affairs.

the mayor and aldermen shall receive no compensation for their services as such officers.

Who may act
as officers of
the peace.

SECTION 21. The mayor or acting mayor, recorder and each alderman, the city justices, police officers and watchmen, shall be officers of the peace, with powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders, and, if need be, of all the citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER III.

The Common Council—its General Powers and Duties.

Who consti-
tute the coun-
cil.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city [of] Faribault do ordain," &c. The common council shall meet at such a time and place as they may by resolution direct. A majority of the aldermen shall constitute a quorum.

Meetings of
council.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

General powers
of common
council.

SEC. 3. The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression

of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison: provided, that until otherwise ordered by the common council, the county jail of the county shall be used as a city prison, and it shall be the duty of the sheriff or jailor of the county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all force of law: provided, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority by ordinance, resolution, or by laws—

General powers
of common
council.

First—To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts, or theatrical performances, billiard tables, nine or ten-pin alleys, bowling saloons, to grant licenses to and regulate auctions and auctioneers, tavern keepers and victualing house keepers, and all persons dealing in spirituous, vinous and fermented liquors: provided, that all licenses for so dealing in spirituous, vinous or fermented liquors, shall not be less than fifty dollars a year, and no license shall be granted for a less term than one year, and all licenses shall commence and terminate on the first day of May of each year.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city, and to restrain any person from selling, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

Third—To prevent any riots, disorderly assemblages in said city, and provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

Fourth—To compel the owner or owners of any cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome structure or place, to cleanse, remove or abate the same, from time to time, as

General powers
of common
council.

often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Fifth—To direct the location and management of slaughter houses and markets, breweries and distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Sixth—To prevent the encumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings or any other material or substance whatever.

Seventh—To prevent and punish immoderate driving or riding in the streets, to regulate the speed of cars and locomotives in said [city] county, and to prevent their obstructing the streets of said city, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

Eighth—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinances. Provided, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one year from the day of such sale.

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, in a summary manner, when at large contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substances, or any putrid or unsound meat, flesh, or fish, or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

Eleventh—To establish and construct public pounds, pumps, wells, cisterns, reservoirs, and hydrants; to erect lamps, and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibusses in the city.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits.

General powers
of common
council.

Thirteenth—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth—To prevent all persons riding or driving any horse, mule, or ox or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Fifteenth—To prevent the discharging of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

Sixteenth—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth—To restrain and regulate parties, runners, agents and solicitors for boats, vessels, stages, cars and public houses or other establishments.

Eighteenth—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Twentieth—To regulate the place and manner of selling [weighing] and selling hay, and measuring and selling [of] firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer, at the expense of such owner or occupant.

Twenty-second—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious and infectious diseases or disorders,

General powers
of common
council.

and to make such disposition of such persons as to preserve the health of the city.

Twenty-third—To regulate the time, manner and place of holding public auctions and vendues, and sales at public outcry.

Twenty-fourth—To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties and to regulate the same.

Twenty-fifth—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer; and to provide for the punishment of the use of false weights and measures.

Twenty-sixth—To regulate the inspection of flour, pork, beef, fish, salt, whiskey, and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

Twenty-seventh—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

Twenty-eighth—To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building, which, by reason of dilapidation, defects in structure or other causes may have or shall become imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expense of removing or abating the same upon the lot or lots upon which [such] nuisance or dangerous building may be maintained.

Twenty-ninth—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

Thirtieth—To do all acts and make all regulations which may be necessary and expedient for the preservation of health, or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city.

Thirty-first—To restrain and punish vagrants, mendicants, street beggars, and provide for the punishment of the same.

Thirty-second—Fines, penalties and punishments, imposed by the common council for the breach of any ordi-

nance, by law or regulation of said city, may extend to a fine not exceeding one hundred dollars, and imprisonment in the city prison or county jail not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 4. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper, and posted in three conspicuous places in each ward for two weeks, before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the city recorder in books provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the council present in its favor, which vote shall be taken by ayes and noes, and entered upon [among] the proceedings of the council.

Passage of ordinances and publication.

SEC. 5. The power conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind within the limits of said city, wherein more than twenty-five pounds of gunpowder, or more than five barrels of thirty-six gallons each, (or such greater or less quantity as said common council may direct by ordinance,) of petroleum, kerosene, naphtha, or other inflammable or explosive oils or substances are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Power to regulate nuisances. Sale of inflammable substances &c.

SEC. 6. The common council shall examine, audit and adjust the accounts of the recorder, treasurer, street commissioners, [city] justice and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the terms for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with orders of said council, in the discharge of their said duties, in pur-

Accounts of city officers to be examined.

suance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to the council or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement and adjustment.

Power to borrow money and issue bonds.

SEC. 7. That the common council of the city shall have full power from time to time to borrow money to pay the indebtedness of the city, and in order to pay such indebtedness the city [may] issue [city] bonds therefor, bearing interest not to exceed ten per cent. per annum, redeemable at any time within ten years, at the discretion of the common council. Provided, that at no time shall it be lawful for such [said] indebtedness, bonded or otherwise, to exceed the sum of fifteen thousand dollars, unless the same be authorized by two [thirds] vote of the legal votes cast at the election held for such purposes. And provided further, that the city council shall each and every year levy a tax of one mill on the dollar of the taxable property of the city for each thousand dollars that may be funded by the said city into bonds to pay the interest on said bonds and create a sinking fund to pay the same when due. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the common council, and be signed by the mayor, and shall be published in the official paper of the city, before the same shall be in force, and within twenty days thereafter they shall be recorded by the recorder in books provided for that purpose, but before any of the said laws, ordinances, [regulations] or by-laws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

CHAPTER IV.

Taxes.

Power to levy general taxes.

SECTION 1. The common council shall have power to levy upon all the taxable property of said city taxes to provide for the current expenses of the city government and police, for the opening, maintaining and improvement of public grounds and the construction of buildings and improvements of a general character; provided, that such taxes shall in no year exceed one per cent. of the assessed valuation.

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing, maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters and grading of streets, and for other purposes conducive to good order and cleanliness, and to protection against crime[, disease and fire]. Provided, that such taxes shall, in no year, exceed one per cent. of the assessed valuation. And provided further, that for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or wards benefited by such improvements, in such manner and to such extent as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property, which it shall be determined is liable to assessment for such improvements. No debt shall be incurred or created by the city, the common council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose; and no order or orders shall be issued upon the city treasury exceeding the amount of tax collected or assessed and in process of collection.

Special taxes—
how levied.

SEC. 3. The common council shall have power, and it shall be the duty of the common council, to levy, annually upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by the provisions [other sections] of this act; provided, the same be authorized by a majority of the voters present and voting at an election to be held for that purpose. The time, place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized.

Tax for bonded
indebtedness.

SEC. 4. Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason* of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall, if the tax be a general tax,

How taxes to
be levied.

go into the general fund of the city; if it be a bond or interest tax, it shall be kept and used for the future payment of principal or interest of the same class of bonds, or the purchase thereof before due; if it be for improvements, it shall be kept and used [for] future improvements of the same character.

When to transmit statement of taxes—how collected.

SEC. 5. The common council shall cause to be transmitted to the county auditor of the county, on or before the first day of September of each year, a statement of all taxes by them levied, and such taxes shall be collected, and the payment thereof enforced, [with and in like manner as state and county taxes are, paid and the payment thereof enforced,] and the county treasurer of said county shall pay such taxes [over] to the treasurer of said city on the warrant of the county auditor at any time after the said auditor makes the settlements with the county treasurer required by law.

How orders may be drawn on the treasury

SEC. 6. No money shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

When orders may be cancelled.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be used, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate.

To levy poll tax

SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city; provided, that said tax shall not in any one year exceed the sum of two dollars on each person.

CHAPTER V.

Opening and grading [vacating] Streets, Alleys, &c.

Council to control highways.

SECTION 1. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded, to be kept open and in repair, and free from nuisances.

SEC. 2. The common council of said city, by a vote of not less than two-thirds of the members present, and constituting a quorum of any stated or special meeting, such vote to embrace a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same. Provided, that whenever it shall be required to take private property for the purposes above stated, they shall proceed in the manner hereinafter provided.

May open, lay out and vacate streets, &c.—when necessary to take private property how to proceed.

First—The common council, upon ordering an improvement above mentioned to be made, shall appoint as many commissioners as there may be wards of said city, selecting one from each ward, who shall be a disinterested freeholder and qualified voter of said city, to view the premises, and assess the damages which may be occasioned by the taking of private property or otherwise, in making said improvement. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars, and shall be liable to be prosecuted therefor before the city justice of said city, as in the case of fines imposed for a violation of an ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, selected from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy the common council shall fill such vacancy.

When necessary to take private property how to proceed.

Second—The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council.

Third—The said commissioners shall, with all reasonable speed, with the assistance of the city surveyor of said city, cause a survey and plat of the proposed improvement to be made and filed with the city clerk, exhibiting, as far as practicable, the land or parcels of property required to be taken, or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said city, for at least ten days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view

the premises, and assess the damages for property to be taken, or which may be damaged by such improvement.

When necessary to take private property how to proceed.

Fourth—At the time and place appointed according to said notice, the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by said improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

Fifth—If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much thereof as might be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building, and the damages in relation to buildings aforesaid, shall be assessed separately from the damages in relation to the land upon which they are erected.

Sixth—If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

Seventh—The said commissioners having ascertained and assessed the damage aforesaid, shall make and file with the city clerk a written report to the common council, of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and the name of the owners, if known to them, and also a statement of the costs of the proceeding.

Eighth—Upon such report being filed in the office of the city clerk, said city clerk shall give at least ten days notice by publication in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council, at a meeting thereof, to be named in said notice, unless objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings standing

in whole or in part upon any land required to be taken by such improvement, shall, on or before the time specified in said notice, notify the common council in writing of their election to remove such buildings, according to the award of the commissioners. The common council, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise, or annul the assessment, giving due consideration to any objections interposed by parties interested.

When necessary to take private property how to proceed.

Ninth—The damages assessed shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within six months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city should be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court of the county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claim to the same.

Tenth—In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said city to the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same, within the time prescribed, such buildings or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be then taken and appropriated, sold or disposed of, as the common council shall direct, and the same or the proceeds thereof, shall belong to said city.

Eleventh—When any known owner of lands or tenements, affected by any proceeding under this act, shall be an infant, or labor under legal disability, the judge of the

district court of the county, or, in his absence, the judge of any court of record may, upon application of said commissioners, or of said city, or such party, or his next friend, appoint a suitable guardian for such party, and all notices required by this act, shall be served upon such guardian.

Twelfth—Any person feeling himself aggrieved by such assessment, may, by notice in writing, served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county, within twenty days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury, as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified, considered, and a transcript of such report, certified by the city clerk, or the original thereof, shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial, and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits.

Council to
cause survey,
and profile to
be filed.

Sec. 3. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor and also filed in the office of the register of deeds of the county.

When public
streets, &c.,
may be vacated

SEC. 4. No public grounds, streets, alleys, or highways within said city shall be vacated or discontinued by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys, or highways, resident within [the] said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys, or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk who shall give notice by publication in the official paper of said city, for four weeks, at least once a week, to the effect that

such petition has been filed as aforesaid, and stating in brief, its object, and that said petition will be heard and considered by the common council, or a committee appointed by them on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of parties interested. The common council thereupon after hearing the same, or upon the report of such committee, in favor of granting such petition, may by resolution, passed by a two-thirds vote of all the members elect, declare such public grounds, streets, alleys, or highways, vacated, which said resolution, after the same shall go into effect shall be published as in the case of ordinances, and thereupon a transcript of such resolution duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of the county.

SEC. 5. Any person aggrieved thereby, may within twenty days after the publication thereof appeal to the district court of the county, under the same regulations as in the case of opening streets and alleys, and the judgment of the court thereon shall be final.

Persons aggrieved may appeal to district court.

SEC. 6. It shall be the duty of the clerk to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in sections two and four of this chapter, said clerk shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the council, and the said record, or a certified transcript thereof or the original papers, petitions, proofs of publication, orders or resolutions, on file in his office shall be prima facie evidence of the facts therein contained, in any court in this state.

Duties of city clerk.

CHAPTER VI.

Fire Department.

SEC. 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not

Council to prescribe fire limits.

Council to pre-
scribe fire lim-
its.

hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such materials, as in the judgment of the common council, shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure or materials therefor, hereafter erected, or in process of erection, of which the construction or materials may be dangerous to surrounding property to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed [in pursuance of the notice given, to order the same taken down, removed] by the police, or in such manner as the common council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars, which may be imposed by a city justice, upon the complaint of any citizen.

To prevent
dangerous erec-
tion of chim-
neys, &c.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe or secure condition, when considered dangerous. To prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and alleys. To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires. To regulate and prevent the use of fire arms and fireworks. To compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company which may be authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries, and from military duty during the continuance of such membership.

To purchase fire engines and other fire apparatus—exemptions.

SEC. 4. The common council shall have power to appoint the chief engineer and two assistant engineers of the fire department, and also one fire warden in each ward, and to prescribe the duties of such officers.

Council to appoint chief and assistant engineer

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest or to direct orally any constable, police officer, watchman or any citizen, to arrest such person, and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penalty as the common council may prescribe, not exceeding a fine of fifty dollars.

Penalty for refusing to obey orders at any fire.

CHAPTER VII.

Street Grades and Sidewalks.

SECTION 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city surveyor.

Council to establish grade of streets, &c.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city, they shall require the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge, within a time designated by the publication in the official paper of said city,

Duty of street commissioner.

for not less than two weeks, of a notice to said owners or occupants, setting forth what work [is] to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Expense of constructing sidewalks, how paid.

SEC. 3. If such work is not done and the said sidewalks not built or repaired in the manner, and within the time prescribed, the common council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Non-payment of taxes on property improved, how collected.

SEC. 4. If said assessment be not paid to the street commissioner or the city treasurer, on or before the twentieth day of August, in any year, the common council shall cause a statement of the same to be transmitted, with the city taxes levied for that year, to the auditor of the county, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced, with and in like manner as city, county and state taxes are collected and payment thereof enforced.

To prescribe width of sidewalks and material used.

SEC. 5. The common council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and [the] amount of travel in the vicinity of each.

CHAPTER VIII.

Lighting of Streets—Supply of Water.

Contract for lighting streets

SECTION 1. The common council shall have authority to contract with any person, persons or corporation for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

To authorize the laying of gas pipes.

SEC. 2. The common council may permit the laying of gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction

of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

SEC. 3. The common council may permit any party or corporation to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city, and shall regulate the position of the same, so that they shall not obstruct or interfere with common sewers or with the proper drainage of the city.

To permit any corporation to lay water pipes

CHAPTER IX.

Miscellaneous Provisions.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

When vote of council may be rescinded

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two thirds of the aldermen elect.

When penalty or judgment may be rescinded.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made; provided, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the city, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process or writs by a city justice for the violation of an ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

When warrant shall be issued --when not issued.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city, as punishment for any offence, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of the county, and be there imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the said fine or

Non-payment of fines how punished.

penalty be sooner paid or satisfied; and from the time of the arrest of any person or persons for any offence whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county.

Qualifications
of Judge, Jus-
tices, &c.

SEC. 5. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

May purchase
and hold real
estate.

SEC. 6. The city may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

No law consid-
ered repealing
the same unless
expressly set
forth.

SEC. 7. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

Who to collect
poll tax.

SEC. 8. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required.

When act to
take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Provided, that at least ten days before the time fixed in section four of chapter one of this act, for the first election under said act, the whole of said act shall receive such publication within the county of Rice and state of Minnesota, as Halsey M. Matteson, B. F. Straub and Ernst Fleckenstine shall fix and determine upon, or in case they or any of them, shall fail or neglect to fix and determine upon said publication, then and in that case, this act shall be published within said county in such manner as any other like number of legal voters residing within the limits of the city of Faribault shall determine, and such publication shall have the same effect and be deemed as sufficient as if the said act had been published in the same manner as other special laws of the state of Minnesota.

Approved Feb. 29, 1872.

CHAPTER XX.

An Act to authorize the City of Mankato to make Local Improvements and to Levy Assessments therefor.

February 29,
1872

SECTION 1. Municipal authorities authorized to levy assessment for local improvements.

2. Objects for which assessments may be made.
3. Relating to the expense of improvements.
4. Provides for a board of commissioners.
5. Proceedings preparatory to an assessment.
6. Proposals to be advertised for.
7. Manner of making assessment.
8. Public notice to be given.
9. Special assessment roll to be prepared, and proceedings for confirmation by council.
10. Relating to the construction of sidewalks.
11. Relating to the public notice to be given.
12. Collection of special assessments.
13. Public notice of assessment due to be given.
14. Failure to pay assessments - Penalty.
15. Special assessment roll to be delivered to register of deeds, and his duties defined.
16. Relating to sale of property for delinquent assessments.
17. Manner of selling lands.
18. Form of certificate of sale.
19. Effect of record of certificate of sale.
20. Redemption from sale.
21. Certificate of redemption.
22. Certificate of sale to be prima facie evidence of all previous proceedings.
23. Changes in office during the pending of proceedings not to affect or delay.
24. Change of official paper not to hinder or delay proceedings.
25. Relating to errors or irregularities.
26. Errors or irregularities in respect to any one piece of property not to affect the proceedings in relation to the other land.
27. Compensation of the city treasurer.
28. Contractors for work, and their sureties.
29. Repeal of inconsistent acts.
30. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the municipal corporation of the city

Special assessments.

of Mankato is hereby authorized to levy [special] assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

City improvements.

SEC. 2. That such assessments may be made by the city of Mankato for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, or otherwise improving any street, lane, alley or highway and for keeping the same in repair, and for planting shade trees upon or otherwise ornamenting any such street, lane, alley or highway; also, for filling, grading, protecting, ornamenting or otherwise improving any public square, park or grounds now or hereafter laid out; also, for constructing, laying, relaying, erecting, cleaning and rejoining [repairing] cross and sidewalks, area walks, gutters, sewers and private drains.

Expenses of improvements.

SEC. 3. The expenses of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter described; provided, that all street crosswalks and sidewalks adjacent to public grounds other than streets, lanes or alleys be constructed at the expense of the city at large; provided, also, that upon a vote of two thirds of the aldermen elect any improvement mentioned in the foregoing section may be made by the city at large, without special assessment; provided, also, that the repairing of any street, alley, highway, public grounds, bridge, sewer or drain, the cost of which repairs is estimated not to exceed the sum of one hundred dollars may be done by the street commissioner of said city under the direction of the common council without special assessment therefor.

Commissioners of assessments

SEC. 4. Such assessments except as hereinafter provided shall be made by a board of commissioners to be known as the commissioners on assessments, who shall be appointed as follows: On the first Monday of March [of] each year or as soon as practicable thereafter, the judge of the district court of the judicial district in which said city may be situated, upon [of] his own motion or upon the written or verbal application of the mayor of said city shall appoint as such commissioners on assessments, three persons who shall be each respectable [reputable] free-holders of said city and qualified electors therein, and shall have been residents of said city for at least three years prior to such appointment, and none of whom shall be officers of said city. Such appointment shall be in writing, signed by said judge of the dis-

trict court and transmittted to and filed by the city recorder of said city in his office, and shall thereupon become *prima facie* proof of such appointment and of the regularity of the same. Each of said commissioners shall hold his office for one year and until his successor shall be appointed and qualified, and all occasions [vacancies] for an unexpired term shall be filled by said judge of the district court in like manner as original appointments are above provided when [to be] made; provided that no commissioner shall act in relation to any assessment upon property in which he has any property interest, but in case of any commissioner being, for any cause, disqualified from acting any case, a commissioner *pro tempore* may be appointed in like manner as above provided for appointment of commissioners, to act in place of such disqualified commissioner. Each commissioner before entering upon the discharge of his duties shall take and subscribe an oath to the effect that he will faithfully and impartially execute his duties as commissioner on assessments to the best of his ability. Each of said commissioners shall be entitled to receive as compensation for his services three dollars per day for each day of actual service in the duties of such office which shall be paid out of the city treasury. Said board of commissioners shall have power to elect one of their own number as chairman of said board. The city recorder shall act as secretary of said board and shall keep a record of all the proceedings of said board in a book to be kept for that purpose and to report the same to the common council of said city whenever required; such record shall be kept in the office of the city recorder, and shall be deemed to be a public record. The city surveyor shall act under the orders of said board and do all surveying, make all plans and estimates, and perform any such like work as may be required by said board. Meeting of said board may be called by the chairman thereof, and in case any commissioner, upon being personally notified of any meeting of said board shall neglect or refuse to attend, he shall, except in case of sickness or absence from the city, forfeit and pay a fine to said city not exceeding fifty dollars in each case, which shall be recovered in the same manner as is provided for prosecutions for violations of ordinances of said city, by the act incorporating the same. Two of said three commissioners shall constitute a quorum and perform any act and have all the power of such board of commissioners.

Commissioners
of assessments

SEC. 5. Whenever a petition for the making of any improvement mentioned in section two of this act, shall be

Proceedings
before assess-
ment.

presented to the common council of said city, purporting to be signed by owners of real estate in the vicinity of such proposed improvements, and which signers shall, in the opinion of said common council, be the owners of more than one half in area of the real estate which may by said common council be deemed to be especially benefited by such improvements; or whenever, without such petition, two-thirds of all the aldermen elect shall vote in favor thereof, the common council shall, except in cases herein otherwise provided, refer the same to the board of commissioners on assessments. The said board shall then proceed to investigate the subject so referred, and may cause such surveys or plats to be made as they may deem necessary and shall make report to the common council and give an estimate of the expenses of making such improvement and of the proportion or amount thereof which in their opinion may properly be assessed upon real estate as "benefits" derived from such improvements, and what proportion or amount should probably be assessed upon or borne by the city at large. They shall also report whether in their opinion the contemplated improvement is designed [desired] by the owners of the greater part in area of the property likely to be assessed therefor. If the said board of commissioners shall not approve of the making of such improvements they shall in their report to the common council give the reasons for their disapproval. After the report of said commissioners shall have been made to the common council, the common council may in any respect modify the plan of the contemplated improvement; provided, that such modification shall not be such as to materially increase the expense or alter the general plan thereof, except upon a vote of two-thirds of all the aldermen elect. The common council may, for any reason, against [again,] or as often as they may deem necessary, refer the subject of any contemplated improvement to said board of commissioners to be acted upon by them anew as above provided, or for any other or special purpose they may deem proper.

Report of com-
missioners.

SEC. 6. When the commissioners on assessments shall have reported to the common council in relation to any proposed improvement as hereinafter provided, the common council may direct the city recorder to advertise for proposals for doing said work; a plan and profile of the work to be done accompanied with specifications for the doing of the same, in all cases when such plan, profile and specifications may be necessary for perfect descriptions of the work to be done being first placed on file in the office of [the] city recorder, which plans, profile and specifications shall at all times be open for public inspection.

The commissioners on assessments may for the sake of convenience or accuracy in making the assessments as hereinafter provided, divide the proposed work or improvement into several divisions or sections, and indicate the same in their report to the common council, and in such case the plan, profile and specifications shall correspond as near as may be with and indicate, such divisions or sections. Bids for doing any work or making any improvement as provided herein, shall name a gross sum for the whole work or improvement, or [for] some specified section or division thereof and the contract when awarded shall be for the doing of the work or making the improvement on some specified section, portion or division thereof, at a gross sum for the whole or for such specified part thereof.

Report of
commissioners

Upon being directed to advertise for proposals as above provided, the city recorder shall cause an advertisement to be published for at least two weeks in the official paper of said city, stating briefly in general terms the nature of the work to be done, stating where the plan, profile and specifications may be examined, and within what time bids for the doing of such work will be received. Such bids shall be directed to the common council of the city of Mankato, and shall each be accompanied by a bond to the said city in a sum equal to thirty per cent. of the amount of the bid, signed by the bidder and two responsible sureties, to the satisfaction of the common council, conditioned that the bidder shall execute the work for the price mentioned in his bid and according to the plan and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof in any court having jurisdiction of the amount. Said bids shall be opened by the common council at their next meeting after the time for receiving bids shall have expired, or at any other appointed regular or special meeting thereafter.

Upon the opening of said bids or at any time thereafter the common council may award the doing of the work or any part thereof to the lowest reliable and responsible bidder or bidders who shall have complied with the above requirements and who shall have sufficiently guaranteed to the satisfaction of the common council the faithful performance of said work. The common council may let such contract upon such conditions or provisions not inconsistent with the provisions of this act as they may deem proper.

Provided, that if the said commissioners of assessments shall in their report have disapproved of the making of the proposed improvements the contract for the doing of the same shall not be let or awarded except upon a vote of two-thirds of all the aldermen elect.

Levy of assess-
ment.

SEC. 7. When a contract for the doing of any work or the making of any improvements as herein provided, shall have been awarded or made by said common council the commissioners of assessments shall proceed as soon as may be to assess in the manner hereinafter provided upon the real property not exempt by law from such taxation by them deemed to be specially benefited by the doing of the work or the making of the improvement contracted for in proportion as nearly as may be to the benefits resulting thereto, the amount for which any such contract may have been awarded or let, to the extent of the special benefits deemed to be derived by such real estate therefrom. The balance of the amount for which such contract may have been awarded or let after deducting therefrom the amount of the assessment made as herein provided upon the real estate deemed benefited, shall be chargeable upon and paid by the city at large.

Public notice
of assessment.

SEC. 8. Before proceeding to make an assessment for any improvement as hereinbefore provided said board of commissioners shall cause notice to be given by publication in the official paper of said city for at least one week of the time and place of their meeting for the purpose of making such assessments, which notice shall specify in general terms the object of such assessment. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the commissioners may, in their discretion, receive any legal evidence as to the benefits that any real property may derive from the improvement for which assessment is to be made, and are hereby authorized to administer oaths to all witnesses produced before them. The said board of commissioners shall view the locality of the contemplated improvements and their observation and opinions as to the benefits to any real estate resulting from any improvement shall have all the force of legal evidence in determining the assessment to be made therefor. They shall permit the city attorney or the common council to appear before them at such hearing to represent the interest of the city; they may adjourn from time to time and from place to place until such assessment shall be completed. The commissioners may, in their discretion, after the hearing upon any proposed assessments, complete

the assessments in private, and the action or determination of any two of said commissioners shall be binding as the act of the said board.

SEC. 9. Said commissioners when they shall have determined the benefit that each lot, or tract of land will derive from the making of any improvement, shall enter in a roll or list containing a description in usual terms, of the land upon which any such assessment is made, a statement of the amount assessed upon each district, lot or tract of land, and it shall constitute no legal objection to such assessment, that the amount thereof exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of commissioners. Such roll or list, to be called the special assessment roll, shall be signed by said commissioners or by a majority thereof and deposited with the city recorder.

Duties of commissioners.

Said commissioners shall cause notice to be given by at least one week's publication in the official paper of said city, of the filing of such special assessment roll and that at a time specified in such notice application will be made to the common council for a confirmation of such assessment. Objections to said assessment may be heard before the common council, provided that all parties objecting shall file their objections in writing in the office of the city recorder at least one day prior to such meeting of the council. Should no quorum be present at the appointed meeting of the council the matter shall stand postponed to the next regular or special meeting when there shall be a quorum. The council shall have power to adjourn such hearing from time to time, and shall have power in their discretion, to revise and correct the assessment, and to confirm the same in whole or in part, and to annul the same in whole or in part, and to direct a new assessment to be made. Said assessment when confirmed by the common council, or the same as corrected by said common council without further action thereon by the commissioners or formal confirmation by the common council, shall be final and conclusive upon all parties interested therein, and no appeal shall lie in any case from any order of confirmation or from an assessment so made, awarded [corrected] or determined. If said assessment shall be annulled by the common council or set aside by any court, the board of commissioners shall proceed to make a new assessment and return the same in like manner and give like notice as hereinbefore provided, and all parties in interest shall have the like rights, and the common council shall perform the like duties and have like pow-

ers in relation to any subsequent assessment or determination as are hereby given in relation to the first.

Sidewalks.
Work may be
let by contract.
when.

SEC. 10. All owners or occupants of real estate in front of, adjacent to or upon which the common council shall order or direct any sidewalk to be constructed, relaid or repaired, shall construct, relay or repair such sidewalk, at their own cost and charge in the manner and within the time prescribed by said common council in a notice published as hereinafter provided. Whenever said common council shall order any such work to be done and shall by ordinance or otherwise prescribe the manner of constructing such work, or shall have before done so, they shall cause a notice to be published for at least two weeks in the official paper of said city stating the character of the work and the manner in which it is to be done and the time within which the same shall be completed, which statement may be made by reference to any ordinance or resolution of said common council then or theretofore duly published. Such notice shall state upon what lot or tract of land or in front of or adjacent to what lot or tract the said work is to be done and the name of the owner or occupant of such land need not be given or stated therein. No reference to the commissioners on assessments need be made before the ordering of such work. If the work be not done in the manner and within the time so prescribed by the common council, the council may proceed to do the work by contract. They shall cause advertisement for proposals for doing such work to be made as is provided in section 6 of this act; but no plan, profile or specifications of such work need be made or filed as is therein provided, but the terms upon which the work is to be done, the manner of doing the same and any necessary particulars or specifications may be stated in said advertisement in terms or by reference to any ordinance or resolution or notice of the common council theretofore published, designating the same by its title or date or the date of the publication or of the approval thereof by the mayor or acting mayor of said city. The same proceedings shall be had in relation to the receiving and opening [of] bids and awarding or letting contracts for the work in this section mentioned, so far as the character of the work to be done may require as are hereinafter provided in reference to other improvements, provided that bids for constructing sidewalks and contracts made thereon may state the price of doing any work at a gross sum for any lot or tract of land or part thereof adjacent to which or upon which the same is to be done or it be at a certain sum per lineal foot or other unit of measurement.

After the letting or awarding of the contracts for constructing, relaying or repairing any sidewalk as herein provided the commissioners on assessment shall proceed to assess upon the real property in front of, adjacent to, or upon which such sidewalk is [to be] or may have been constructed, relaid or repaired, the cost of such construction, relaying or repairing as determined by the contract so let or awarded. No previous notice of such assessment by said commissioners need be given nor shall they be required to view the premises upon which such improvement is to be or has been made or to hear any testimony or evidence or objections relating to such assessment. They shall enter in a roll or list containing a description in usual terms of the land upon which any such assessment is made a statement of the amount assessed upon each distinct lot or tract of land. The same proceedings shall be had in regard to the signing of said roll or assessment and in respect to the review and confirmation thereof by the common council as are provided in section nine of this act, and all the provisions of said section nine except as herein otherwise provided shall apply to the proceedings had under this section.

Assessments,
how made.

SEC. 11. Two or more of the notices required or authorized by this act to be given by the board of commissioners, the city recorder or the common council by publication in the official paper of the city, any special proceedings may be comprised in one advertisement. Provided, such notices are of the same general character as [or] for like objects, and that in other respects, the notice so published shall sufficiently comply with the essential statutory requirements, and the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city, by the city treasurer, of the delivery to him of full [all] tax and special assessment warrants for collection, and of subsequent proceedings or requirements in relation thereto.

Two or more
notices of as-
sessments may
be made in one
advertisement.

SEC. 12. When any special assessment for any of the improvements in this act mentioned, including sidewalks, shall have been confirmed by the common council or corrected and determined by said council, it shall be the duty of the city recorder to issue to the treasurer of said city a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor or acting mayor of said city and the city recorder, and shall contain a copy of the assessment roll or list, as confirmed by the common council or as corrected and determined by them, or so much thereof as describes the real estate assessed and the amount

Warrant for
collection of
assessment.

of the assessment in each case. Any such warrant may contain copies of several of such assessment roll[s] or list[s] for improvements made or to be made in pursuance of this act, and the same proceedings may be had for the collection of all the assessments charged therein as are herein provided, in relation to any one of such rolls or lists.

Warrant to be delivered to city treasurer.

SEC. 13. All warrants issued for the collection of special assessments, shall be delivered by the city recorder to the city treasurer for collection. Upon the receipt of any such warrant, the city treasurer shall, by publication in the official paper of said city for at least two weeks, give notice that such warrant is in his hands for collection, briefly designating the improvement or improvements on account of which such assessment was made, and requesting all persons interested to make payment at a place therein designated, within thirty days after the first publication of said notice.

After 30 days assessments to be a lien.

SEC. 14. If the assessments charged in any special assessment named [warrant] shall not be paid within thirty days after the first publication of such notice by the city treasurer, all such assessments then unpaid shall from and after the expiration of such time be deemed to be delinquent, and shall from thenceforth, without any other act or thing, be a lien upon the real estate upon which the same may have been assessed, which lien shall continue until such assessment shall have been paid, and such unpaid and delinquent assessments shall bear interest from the time of their becoming delinquent as aforesaid, at the rate of two per cent. per month for each and every month thereafter until the same shall be paid.

List of liens to be transmitted to register of deeds.

SEC. 15. Within five days after the assessment upon any lands shall have become delinquent, as hereinbefore provided, the city treasurer shall cause to be delivered to the register of deeds of the county of Blue Earth, a list of all such lands with his affidavit attached thereto, to show effect [to the effect] that there are special city assessments upon such lands remaining unpaid and delinquent, which are a charge thereon. On account of receiving such list the register of deeds shall be entitled to charge against and collect from the city of Mankato, a fee of ten cents for each distinct lot or tract of land described in said list. After the delivery of such list to him the register of deeds shall not receive for record nor shall he record any deed of conveyance of any of the lands described in such list—excepting tax deeds made in pursuance of law, the certificate of sale herein provided to be made by the treasurer of said city—until such lands shall have been redeemed from such sales, as herein provided. For every [any] violation of this provision

this act, such register of deeds shall be liable to a penalty of one hundred dollars, which may be collected by said city, for its own use, in a civil action in any court having jurisdiction of the amount.

SEC. 16. Upon the expiration of the time hereinbefore prescribed for the payment of such special assessments, or as soon thereafter as may be, the city treasurer shall cause to be published in the official paper of said city for at least two weeks a notice of the sale of such delinquent lands; such notice shall contain a list of the delinquent lots or tracts to be sold—the amount of the assessment upon each of said lots or tracts as charged in the assessment roll; the time and place when such sales will commence, and that such sale will be made in pursuance of the provisions of this act.

Sale of delin-
quent lots.

The name of the owner of said lands need not be given in said notice if the property be otherwise described with sufficient certainty.

The proceedings may be suspended in reference to any lands at any time before the sale thereof, by the payment to the city treasurer of the amount assessed thereon with interest as hereinbefore provided: provided, that the common council may for any reason delay or suspend proceedings for the sale of any delinquent lands for such time as they may see fit, by direction to this effect to the city treasurer.

SEC. 17. Such sales shall be conducted by the city treasurer or by some general or special deputy. The lands shall be offered in the order in which they are described in the published notice of sale: provided, that nothing herein contained shall be so construed as to prevent said treasurer from re-offering for sale any of said lands out of the order above prescribed, where a former sale of such lands was for any reason not forfeited [perfected] or was invalid.

Sale to be con-
ducted by the
city treasurer.

The sale shall be made separately of each lot or tract of land described in said advertisement, on which the assessment and interest shall not have been paid, or of such undivided portion thereof as may be necessary to satisfy the amount of the assessment thereon, with interest as herein provided; and the person offering at said sale to pay such assessment and interest for the least undivided part of said land shall be the purchaser thereof. Such sales may be adjourned from time to time by public outcry by the city treasurer.

The person purchasing any lot or tract of land or any undivided part thereof, shall forthwith pay to the city treasurer the amount of the assessment and interest as hereinbefore provided, and on failure so to do, the property upon which such assessment is charged shall be again offered for

sale in the same manner as if no such sale had been made.

If no purchaser shall offer to take said lands or any undivided part thereof and to pay the amount of such assessment and interest, the same shall be struck off to the city of Mankato as the purchaser thereof, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Certificates of sale.

SEC. 18. A certificate of sale shall be made and subscribed by the city treasurer and delivered to the purchaser or to the city recorder in case such land is struck off to the city; which certificate shall contain the date of the sale and the name of the purchaser, a description of the premises sold, the amount for which the same was sold and the time when the right to redeem the same shall expire. Such certificate shall be executed in the same manner as deeds of conveyance of real estate are required by law to be executed, and may be recorded in the office of the register of deeds of said county in the records of deeds.

To operate as a conveyance, when.

SEC. 19. Such certificate, so extended [executed] and recorded, shall upon the expiration of the time for redemption as herein provided, operate as a conveyance to the purchaser or his assigns of their real estate therein described, in fee simple without any other conveyance whatever unless the same be redeemed as hereinafter provided.

Manner of redemption.

SEC. 20. The owner of any real estate sold under the provisions of this act, his heirs, executors, administrators or assigns, or any creditor having [proving] a lien thereon as hereinafter provided, may at any time within one year after the such sale make redemption from such sale, by paying to the person holding the right acquired under such sale or for him to the city treasurer or his successor in office, the amount for which such land was sold with interest thereon at the rate of ten [two] per cent per month, from the date of such sale, and by producing to such person or officer and leaving with him:

First. A certified copy of the docket of the judgment or the deed of conveyance or mortgage, or of the record or files evidencing any other lien under which he may be entitled to redeem as herein provided, certified by the officer in whose custody such docket, record or files shall be.

Second. Any assignment, necessary to establish his claim executed and acknowledged before some magistrate or officer having authority to take and certify the acknowledgment of deeds

Third. An affidavit of himself or his agent showing the amount thus [then] actually due on his lien.

SEC. 21. The person or officer from whom such redemption is made shall make and deliver to the person redeeming a certificate executed and acknowledged in the same manner as deeds of conveyance of said estates [real estate] are required to be made, containing,

Certificate of redemption.

First. The name of the person redeeming and the amount paid by him on such redemption.

Second. A description of the property redeemed.

Third. Stating upon what claim such redemption is made, and if upon a lien, the amount claimed to be due thereon at the date of redemption.

Such certificate shall be forthwith recorded in the office of the register of deeds of said county, and if not so recorded such redemption and certificate shall be void as against any person in good faith making redemption from the same person or lien. Subsequent redemption from any redemptioner other than the owner of the land [his] heirs, or assigns may be made in the same manner as above provided, and such redemption may be made without regard to priority of lien; provided, that any such subsequent redemption can be made from a former redeeming creditor only by paying in addition to the amount paid by such former redemptioner in order to effect such redemption, with interest thereon at the rate of seven per cent. per annum from the time of such former redemption. the amount of the lien of such prior redemption, by virtue of which he made his redemption, as above provided. If such redemption is made by the owner of the property sold, his heirs or assigns, such redemption annuls the sale; if by a creditor holding a lien upon the property or some part thereof, said certificate, executed, acknowledged and recorded as above provided, shall operate as an assignment to him of the right acquired under such sale, subject to such right of any other person to redeem, as is, or may be provided by law.

Provided, that when any redemption shall be made from the city treasurer as hereinbefore provided, the person seeking to make such redemption shall pay to said treasurer in addition to the amount necessary to be paid to effect such redemption one per cent. of such amount as his fees therefor.

SEC. 22. The certificate[s of sale] executed to any purchaser, or to the city of Mankato under the provisions of this act, shall either before or after the expiration of the time for redemption as herein provided be *prima facie* evidence that all the proceedings preliminary thereto as provided in this act, were regularly had and done, and of

Certificate of
sale to be
prima facie
evidence.

the validity thereof, and after the expiration of such time for redemption, such certificate shall be *prima facie* evidence of title in the [grantee] grantor therein named, his heirs and assigns of the land therein described as sold, and in all actions or proceedings involving the title to the real estate claimed or held under and by virtue of such certificate, the person claiming title adverse to the title conveyed by such certificate, shall be required to prove, in order to defeat the said title, either that the real estate was exempt from assessment at the time when such assessment was made; that the assessment charged had been paid; that such assessment had never been made; that the land had been redeemed from sale thereof under the provisions of this act, and that such redemption was made for the use and benefit of the person having such right of redemption; and no person shall be permitted to question the title acquired under said certificate without first showing that he or the person under whom he claims had title to the land at the time of such sale, or that the title was obtained from the United States or this state after such sale, and that all taxes due upon such real estate have been paid by such person or those under whom he claims title.

Changes in
office not to in-
validate pro-
ceedings.

SEC. 23. Any change [made] in the incumbent of the office of said city treasurer or of any other officer of said city during the pendency of any proceedings under this act shall not operate to affect or delay the same, but the successor or successors of such officers shall be authorized to do all acts necessary to complete such proceedings the same as if their predecessor had remained in office, and any proceeding may be completed or act done in pursuance of the provisions of this act by any officer after the expiration of his term of office, with the same validity as if he had continued in such office.

Change of offi-
cial papers not
to affect notice.

SEC. 24. Any change made in the official paper of said city during the pending of any publication of any notice or proceeding under this act, or the substitution of any other paper as the official paper of said city, shall not invalidate any such publication or proceeding, but the same may be completed in all respects as though no such change or substitution had been made.

Errors or irreg-
ularities ex-
cepted.

SEC. 25. No error or irregularity in any notice, order, assessment or proceeding of any kind had in pursuance of the provisions of this act or any omission of the requirements thereof shall invalidate the proceedings or cause the same to be held to be illegal unless it shall be made to appear affirmatively that such error, irregularity or omission actually prejudiced the right and affected the interest of the parties interested therein.

SEC. 26. No error, irregularity or invalidity in respect to any assessment upon any one or more of several lots or tracts of land, or of the proceedings in relation thereto, shall invalidate or make illegal the proceedings or assessments in respect to any other lands than those in immediate respect to which such irregularity or error was made.

SEC. 27. The city treasurer shall receive for compensation for the duties imposed by this act such compensation as may be prescribed by the common council of said city.

Treasurer's compensation.

SEC. 28. Any contractor or person who enters into a contract for the doing of any work or making any improvement provided for in this act, shall take such contract with the condition that he and the sureties upon his bond shall be personally and directly responsible for any and all loss, damage to person or property, by reason of the neglect or failure of himself or any one in his employ, to so perform such work, as to guard against all loss, damage and injury to person or property; and he shall guard the said work by suitable guards by day, and with lights at night [so] as to prevent any such loss, damage or injury. The provisions of this section shall be regarded as forming part of the contract entered into by any such person with the city.

Contractors to be liable for damages from carelessness.

SEC. 29. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of inconsistent acts

SEC. 30. This act shall be deemed a public act and shall take effect from and after its passage.

To be deemed a public act.

Approved Feb. 29, 1872.

CHAPTER XIII.

February 29,
1873. -

An Act to Incorporate the Village of Dodge Centre.

- SECTION 1. Boundaries of the village.
2. Annual election of officers.
 3. Elective officers of.
 4. Eligibility to office.
 5. Vacancies, how filled.
 6. Officers required to take an oath of office.
 7. The common council how constituted.
 8. Powers of the president.
 9. Officers of the village to be officers of the peace.
 10. Duties of the recorder.
 11. Duties of the treasurer.
 12. Duties of the justices of the peace.
 13. Duties of the marshal.
 14. Powers of the common council.
 15. Prohibition of slaughter houses.
 16. Relating to the finances of corporation, and the general powers of the Council.
 17. Relating to fines and penalties.
 18. Ordinances, &c., how passed.
 19. Relating to the removal of and prohibiting of nuisances.
 20. Accounts of officers to be audited by council.
 21. Actions to recover penalties, how brought.
 22. Proceedings for violations of this act.
 23. Police officers and constables vested with the powers of sheriffs.
 24. Service in actions against the corporation.
 25. The provisions of this act to be repealed only by express mention of the same.
 26. The sale of liquor to be under the control of the trustees.
 27. Powers of council in laying out streets.
 28. Expense of sidewalks, streets, public buildings, &c., how paid.
 29. Proceedings to authorize sidewalks.
 30. Duties, powers of council with relation to sidewalks.
 31. Assessments, manner of collecting.
 32. Width of sidewalks and material, subject to action of council.
 33. The corporation to be constituted a road district.
 34. Property subject to taxations.
 35. Authority to levy tax for village purposes.
 36. Authority to pass ordinances for assessing and collecting taxes.
 37. Duties of assessor.
 38. Fines, actions to recover.
 39. Corporators of the village.
 40. This act to be voted upon by the legally qualified electors.
 41. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all of the east half of section thirty-

three and all of section thirty four, in township one hundred and seven north, with all the north half of section three and all the north-east quarter of section four, in township one hundred and six north; all of range seventeen west, situated in the county of Dodge, shall hereafter be known and designated by the name of "the village of Dodge Centre;" and the inhabitants residing, or who may hereafter reside within said limits, are hereby constituted a body corporate, by the name of "the common council of the village of Dodge Centre," and by that name the president and trustees, and their successors thereafter shall and may have perpetual succession, and shall have the powers generally possessed by municipal corporations at common law, capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity, and may have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real and personal property or estate within or without the limits thereof, as the purposes of the village may require, and the said village of Dodge Centre shall constitute and be one election district, for the purposes of general and special elections under the general election law of this state, and the president of the common council of said village shall be and act as one of the judges of election, and the recorder shall be and act as one of the clerks of election, and at all general or special elections in said election district, the electors at the hour of opening the polls on the day of election, shall choose two judges of election, and one clerk of election, and the president aforesaid and the judges of election chosen as herein provided, and the recorder with the clerk chosen as herein provided, shall comply with and perform all the duties required under the general election laws of the state. Provided, that the recorder shall give notice of all elections general or special in the same way as required by the general election law of this state of town clerks. And provided further, that the common council shall perform all the duties pertaining to the registry list in the same way as township supervisors do under the general election law of this state, and chapter one, statutes of Minnesota, shall apply to and govern the judges and clerks of election at all general or special elections in all cases wherein the same does not conflict with the provisions of this act, and the common council shall determine in what place in said election district elections shall be held, at least ten days before any election shall be held.

Boundaries of
the village.

Annual election
of officers.

SEC. 2. There shall be an annual election of elective officers hereinafter provided for, on the third Tuesday in March in each and every year, and the polls of said election shall be opened and kept open from one o'clock to four o'clock in the afternoon, and the village recorder shall give at least ten days' notice of the time and place of holding the same, together with a list of the officers to be elected by publishing the same in a newspaper printed in the village, or by posting a printed or written notice in three of the most public places in said village. Like notice shall also be given by the recorder of any special election. Special elections may be called by a majority of the common council, to fill any vacancy that may arise under this act, or to transact any other lawful business, every notice of which shall specify the object of said election, and no other business shall be transacted at such meeting or election than such as is specified in such notice. All elections shall be conducted in similar manner as near as may be, as general elections are by law conducted. The president and any one trustee, or in case of the absence of the president, any two trustees shall act as judges of any election so held, and together with the recorder shall constitute the board of election, and in case of inability or non-attendance of any number of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present, by one of the judges, and the recorder shall make true record thereof, and within five days thereafter, he shall give notice in writing to the persons so elected by a plurality of all the votes cast, of their election. The first election under the provisions of this act shall be held at Tuthill's hall on Tuesday, the nineteenth day of March A. D. 1872, where and when it shall be lawful for the legally qualified voters residing within the boundaries of the territory described, to meet at one o'clock of said day and choose *viva voce*, two judges of election and one clerk, who shall conduct said election with power of substitution and appointment in case of absence.

Elective officers
Vacancies, how
filled.

SEC. 3. The elective officers of said corporation shall consist of one president and one recorder, both of whom shall be *ex officio* trustees, three trustees, one treasurer, one assessor, one justice of the peace, and one constable, who shall be *ex officio* marshal, and shall each except the justice of the peace and marshal, hold their respective offices for the term of one year, and until others are elected and qualified. The justice of the peace and marshal shall hold their offices for the term of two years and until others are elected

and qualified. In addition to the above mentioned officers, the common council shall have power to appoint and define the duties of such other officers as to said common council may seem necessary. Provided, that when a member of the common council holds any appointed office, he shall not vote upon any question involving his action as such appointed officer.

SEC. 4. No person shall be eligible to the office of president or trustee unless he is a freeholder in said village, nor for any office under said corporation, unless he is a legal voter in said village.

SEC. 5. Vacancies in the office of president and trustees shall be filled by the legal voters of said village at a general or special election, and vacancies in all other offices by appointment by the trustees.

SEC. 6. Each officer elected or appointed to any office, or to fill any vacancy in office, before he enters upon the duties of his office, and within ten days after his election, shall take and subscribe before some officer authorized by law to administer oaths, an oath, to faithfully discharge the duties of his office, in accordance with the law and the ordinances of said village, and to support the constitution of the United States, and constitution of the state of Minnesota. And, in addition thereto, the recorder, treasurer, justice of the peace and constable shall severally give a bond to the president and trustees in such sum not less than two hundred dollars, and with such sureties, as a majority of said trustees shall direct, which said oath and bond shall be filed in the office of the recorder of said village.

Officers require
to take an oath
of office.

SEC. 7. The president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. The style of all ordinances, intended to have the force of rules, or law, or authority, passed by the council, shall be as follows: "Be it ordained by the common council of the village of Dodge Centre," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The trustees shall prescribe the time and place of holding their meetings and may adjourn the same from time to time and a majority thereof shall be a quorum for the transaction of any business properly before them; and they shall determine the rule of their proceedings; all of which meetings shall at all times be opened [open] to the public, and the recorder shall keep a journal thereof, which shall be open for the inspection of every respectable citizen at all reasonable hours and times, and they shall have power to preserve order and propriety in their meetings and

The common
council how
constituted.

proceedings and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of the members of said council.

Powers of the
President.

SEC. 8. To the president shall belong the executive powers and authority granted by this act to said corporation, except such of said powers and authority as are specially vested in, or must, from their nature, necessarily pertain to the other executive officers of said corporation. He shall sign all commissions, licenses and permits which may be granted by the common council, and all orders upon the treasurer. He shall maintain peace and good order and see that the ordinances of the village are observed and executed. He shall have power and it shall be his duty to call out and use in such manner as may seem most proper, all the constabulary or police force of said corporation when he may deem it necessary, to quell or prevent riot. He shall have power to call a meeting of the trustees, by giving notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper. At any legal meeting, in all cases when the votes of the members upon any question are equal, the presiding officer shall have the casting vote.

Officers of the
village to be of-
ficers of the
peace.

SEC. 9. The president, each and every trustee, the marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said village, and may command the assistance of all by-standers, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars and stand committed until paid.

Duties of re-
corder.

SEC. 10. The recorder shall be the recording officer of the village and of the common council. He shall have custody of the seal, (if any), of said corporation, and all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall keep a record of the doings of the common council—the passing of by-laws, ordinances, rules, resolutions, regulations, &c; and also a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings. He shall receive all the moneys payable to said corporation except as here[in]after provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all accounts of the corporation with individuals or otherwise, and keep on

file all papers which may be ordered by the trustees—receive all claims against said corporation, and orders upon the treasurer for moneys payable by the same, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed by the common council. He shall keep a full and accurate account of all orders drawn on the treasurer and shall keep the same with the treasurer and charge him with all taxes levied and sums of money paid into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the recorder before they shall be a legal voucher against the village. The recorder's records shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall also make to the board of trustees at the close of each official year, a condensed report of all of his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and with all reasonable dispatch, such other reports and at such times as the board aforesaid may require; and said recorder shall also receive and file and keep record of all chattel mortgages presented to him for such purposes, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filed in the office of said recorder shall have the same effect and be noticed to the same extent as chattel mortgages filed in the office of township clerks; and the election district herein created, shall, so far as chattel mortgages are concerned, be construed to mean town or city, and sections two, and three and four, chapter thirty-nine, statutes of Minnesota, shall apply to the election district herein created and mentioned, and the aforesaid recorder shall be governed by the next above named sections in said chapter thirty-nine, in his official duties as to chattel mortgages.

Duties of the
recorder.

SEC. 11. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him. All money raised, received and collected by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said village, shall be paid to and be received and receipted by him. He shall, from such moneys, pay upon presentation all orders therefor drawn by the recorder and countersigned by the president, but shall pay no money whatever except by order of the common council: provided, that no order shall be paid by

Duties of the
Treasurer.

him unless first endorsed in writing thereon, with the name of the payee thereon, and the party receiving the money therefor, and the amount of money to be drawn and its object specified therein. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received and the source from whence they arose, which book, at all reasonable times, shall be open to the inspection of the electors of said village. He shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor, all moneys, books, papers and vouchers in his possession belonging to said corporation.

Duties of the
Justices of the
Peace.

SEC. 12. The justice of the peace provided for and elected under the provisions of this act shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto, shall have cognizance and jurisdiction of all suits, prosecutions or proceeding for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of "the village of Dodge Center," and the same proceeding shall be had in all civil or criminal suits or prosecutions, before said justice when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of the said village, shall be promptly paid by said justice to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint but said by-laws, ordinances and regulations shall, in said justice court, be held and deemed to be public law. The justice of the peace shall at least once in three months, make to the common council a full

report of all the moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Dodge Centre, under the general laws of the state and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore described for the justices of the peace, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecution for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten dollars. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Dodge, and, may be executed or served by the constable elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff and constable shall have and possess the power and authority which, by the general laws of the state, they have and possess in the execution and service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

Duties of the
Justices of the
Peace.

Sec. 13. The marshal shall be the ministerial officer of the common council. He shall possess all the powers, enjoy all the rights, and be subject to the same liabilities, of a constable of the state. He is hereby constituted the chief of the police of said village, but as such shall be subordinate to the president. It shall be his duty to execute all writs and processes to him directed by the president, justice of the peace or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance, rule, by-law, regulation or resolution of said corporation, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Minnesota; to apprehend any person in the act of committing any offence against the provisions of this act, or of the laws of this state, or the ordinances, by-laws, rules, regulations or resolutions of the cor-

Duties of the
marshal.

poration, and forthwith to bring such person before competent authority for examination, and for such and similar services, he shall receive like fees as are allowed to constables for like services. It shall also be the duty of the marshal to see that all pedlars and hawkers, common showmen and all other exhibitors, pay their licenses according to law, and this act, and the ordinances of the village, and in default of payment, to prosecute for the same in the corporate name of the village, and to pay over the same to the treasurer when received by him.

Powers of the
common coun-
cil.

Sec. 14. The common council shall have exclusive authority within the corporate limits of the said village, to grant, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same, and no person shall sell, vend, deal in, or, for the purpose of evading the provisions of law or of this act, or the ordinances of said village, give away any of the aforesaid liquors, liquids or drinks, within such corporate limits, without having first obtained license therefor, as provided by this act, the laws of this state, and the ordinances of the said village, and any person who shall in any manner violate any of the provisions of this section, or the ordinances or the laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state, and the ordinances of said village on this subject, and all such offences shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said village for its use. Provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, or the ordinances of the said village, and that no license shall be granted for a less time than one year; and, provided further, that no person shall sell or give away any such wines, beer, cider, or spiritous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks on election day or on Sunday. In all prosecutions for any violation of this section, it shall be sufficient to allege in general terms, the selling, vending, dealing in or giving away without such license of such inhibited liquors, liquids, or drinks, and the proof on trial of such selling, vending, dealing in or giving away to any person of any such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; or proof that the person charged

kept a bar, sideboard or other thing or fixture, with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

SEC. 15. No person shall keep a slaughter house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the common council, entered on [of] record; and any person who shall violate this section, shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of ten dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court; all such places are hereby declared to be common nuisances, and shall be abated as provided by law and the ordinances of said village.

Prohibition of
Slaughter
houses.

SEC. 16. The common council shall have the management and control of the finances and of all the property of the corporation, and shall likewise in addition to the powers herein vested in the trustees, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, annul and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice, intemperance and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient; declaring and imposing fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions and by-laws, passed and ordained by them, and all such ordinances, rules, regulations, resolutions and by-laws are hereby declared to be and have the power and force of laws: Provided, that they be not repugnant to the constitution of the United States or of this state, and for these purposes shall have authority by ordinances, rules, regulations or by-laws:

Relating to the
finances of cor-
poration, and
the general
powers of the
Council.

First.—To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, concerts, menageries or theatrical performances; to restrain, prohibit or license billiard tables,

pigeon hole tables, nine or ten pin alleys, bowling saloons, auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

General powers
of the council.

Second.—To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt or mixed, fermented or vinous liquors or drinks unless duly licensed by the common council.

Third.—To prevent any riots, noise, disturbances, disorderly conduct or assemblages in said village, and to provide for the arrest of any person or persons who shall be guilty of the same, to restrain and suppress disorderly houses, grog-shops or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, cattle yard, hog pen, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove, purify or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth.—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawn-brokers, and to establish rules for and license venders of gunpowder, and regulate the storage, keeping and conveying the same, or other combustible materials.

Sixth.—To prevent the incumbering of streets, sidewalks, lanes, alleys or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other materials or substances whatever, and to prevent the digging of holes in the streets, alleys or other public grounds in said village.

Seventh.—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to hitch or fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth.—To restrain and prevent the running at large of horses and cattle, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth. To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinance.

General powers
of the council.

Tenth. To prevent any person being, depositing or leaving within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substances, putrid or unsound beef, pork, fish, hides or skins of any kind, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and appoint masters or overseers of the same; and to appoint and determine fence viewers, and prescribe their powers and duties; also to protect shade and ornamental trees on the public squares or in the streets of said village; also to fence the public squares and grounds, and to protect the same and the bridges and monuments in said village.

Twelfth.—To establish and regulate boards of health, and provide hospital and hospital grounds for those infected with small pox or other contagious and malignant diseases, and order and regulate the removal of such persons from the village, when its health and safety so require, and in the absence of other provision to provide for the burial of the dead.

Thirteenth.—To call regular and special meetings of the voters of said village, and to prescribe the compensation of all officers of the corporation except their own, and shall examine, audit, and adjust the accounts of all persons and of all officers of the corporation, against said corporation.

Fourteenth. To organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate and direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens to enter into, at reasonable times, and examine all

General powers
of the council.

dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as they may deem dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes, to prevent fires, and the use of fireworks and firearms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raise such buildings in the vicinity of the fire as shall be directed by the trustees or any three of them who may be at fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other waterworks, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Fifteenth.—To prevent any and all persons riding or driving any horse, mule, or cattle or other animal on the sidewalks in said village, or in any way or manner doing any damage to such sidewalks.

Sixteenth.—To restrain drunkards and prevent immoderate drinking or obscenity in the streets or public places in said village, and to provide for the arrest, removal and punishment of all persons who shall be guilty of the same.

Seventeenth.—To prevent the shooting of firearms and crackers, and to prevent the exhibition of fireworks in any place which they may consider dangerous to the village, or any property therein, or annoying to any person thereof.

Eighteenth. To regulate the place and manner of selling and weighing hay, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Nineteenth.—To regulate, suppress or license hawkers and pedlars who travel from place to place to sell goods, wares and merchandise, and who come or go within said village to sell the same, and to license transient dealers and traders to sell the same.

Twentieth.—To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish, from sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substance, by some officer of the village, at the expense of such owner or occupant.

Twenty-first.—To regulate the time and place of holding public auctions and vendues. General powers of the council.

Twenty-second.—To provide for watchmen, and to prescribe the numbers and duties, and to regulate the same; and to create, establish, appoint and regulate the police of said village, and their duties.

Twenty-third.—To provide for the punishment of those who use false or untrue weights and measures.

Twenty-fourth.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Twenty-Fifth.—To license and regulate butcher's stalls, shops and stands for sale of game, poultry, butcher's meat, butter, fish and other provisions.

Twenty-sixth.—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons, who shall cause or maintain such nuisance.

Twenty-seventh.—To remove or abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-eighth.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease, and to make regulations to prevent the introduction of contagious and infectious diseases into the village, and to make quarantine laws and enforce the same within said village.

Twenty-ninth.—To restrain and punish mendicants, street beggars and prostitutes.

Thirtieth.—To make, open, keep in repair, grade, improve, lay out, alter, widen vacate or discontinue streets, avenues, lanes, alleys, public grounds, sewers, ditches and sidewalks; to keep them free from obstructions, and to protect them from injury in such village.

Sec. 17. Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars and imprisonment not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Relating to fines and penalties.

Sec. 18. Allowances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and published at least once in some newspaper of the village, or posted in

Ordinances, &c. how passed.

some public place thereof, before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

Relating to the removal of and prohibiting of nuisances.

Sec. 19. The power conferred upon the common council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold or given away without license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

Accounts of officers to be audited by council

Sec. 20. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice and all other officers and agents of the town, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said village were elected or appointed shall have been expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their duties, in pursuance of this section, or shall refuse or neglect to render his accounts or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and the trustees shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Actions to recover penalties, how brought.

Sec. 21. All actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village.

Proceedings for violation of this act.

Sec. 22. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant: Provided, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

Sec. 23. The constable and other police officers are hereby vested with all powers of a sheriff or constable, in the

service of writs as granted to them by the law of the state, and may pursue into any county in this state, and take and bring back for trial, any offender against the ordinances of said village.

Police officers and constables vested with the powers of sheriff

SEC. 24. When any suit or action shall be commenced against said corporation, the service therein shall be made by copy left with the recorder of said village.

Service in actions against the corporation.

SEC. 25. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

SEC. 26. The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the trustees of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury thereof.

The sale of liquor to be under the control of the trustees.

SEC. 27. In the matter of opening, laying out or vacating steets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decisions of township supervisors.

Powers of council in laying out streets.

SEC. 28. The cost and expenses of surveying the streets, lanes, alleys, sidewalks sewers, public grounds, pumps, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs, pumps, cisterns, drains, sewers, street crossings and sidewalks, may be paid out of the general fund; but the expense of opening, building, grading, gravelling, paving or repairing streets to the center thereof, and also of sidewalks, shall be at the option of the council, chargeable to the lots fronting on such improvement.

Expense of sidewalks, streets, public buildings, &c., how paid.

SEC. 29. Whenever the common council shall deem it actually necessary, or two-thirds of the owners and occupants that are living opposite such contemplated improvement, shall petition said council in writing, to construct or repair any sidewalk in the village of Dodge Centre, they may notify, or require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by publication

Proceedings to authorize sidewalks.

in a newspaper printed and pulished in said village, for no less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Duties of owners of property with relation to sidewalks.

Sec. 30. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the council may order the same to be done by the street commissioner or otherwise, at the expense of the lots and parcel of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the trustees. And said assessment so made and returned, if approved by the council shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

Assessments, manner of collecting.

Sec. 31. If said assessment be not paid to the street commissioner of the village on or before the twentieth day of August in any year, the common council shall, until express provision be made in regard to the subject, cause a statement of the same to be transmitted with the village taxes levied for that year to the auditor of the county of Dodge, on or before the first day of September of each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

Width of sidewalk and material, subject to action of council.

Sec. 32. The common council may prescribe the width of sidewalks and may establish different widths in different places and may determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

The corporation to be constituted a road district.

Sec. 33. The village of Dodge Centre shall be constituted one or more road districts, to be defined by the common council, and the highway labor and taxes shall belong to the general fund, but shall be expended in the road district where the same is levied and raised. They shall issue a warrant to the street commissioner or commissioners who are hereby declared possessed of all the general powers of the state belonging to road overseers, containing the whole amount of highway labor and taxes assessed and levied within the corporation, which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to warning, working, suing for, and collecting highway taxes, and returning delinquent taxes, and in all other respects except as herein expressly provided.

The council shall have full power to direct the commissioners when, where and how to expend said labor and tax, and to remove them, and may direct them to expend the labor in the manner to be directed by them at any point beyond the limits of the village. The council shall perform the duties imposed by law upon the supervisors of towns, in levying highway taxes, and shall be governed and restricted in the amount so levied, by the same laws applicable to the supervisors of said towns in levying highway labor and taxes.

SEC. 34. All property, real and personal, in the village except such as may be exempt by the laws of this state, or is village property, shall be subject to taxation not exceeding two and one-half mills on the dollar per year for general purposes. Such property shall also be liable for such special taxes as are herein authorized to levy.

Property subject to tax.

SEC. 35. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

Authority to levy tax for village purposes.

SEC. 36. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Dodge county a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of Dodge Centre, as incorporated by this act; it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county of Dodge, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Dodge Centre, incorporated by this act.

Authority to pass ordinances for assessing and collecting taxes.

SEC. 37. The assessor elected under the provisions of this act, shall perform all the duties under the general laws of the state pertaining to his office required by the common council, in relation to the assessing of property for the purpose of levying of all village, county and state taxes, and upon the completion of the assessment roll he shall return the same to the said council, who may alter, revise and equalize the same, as they may deem it just and proper,

Duties of assessor.

and said assessment as revised and equalized by said council shall be final, subject only to the revision of the county and state boards of equalization.

Fines, actions
to recover.

SEC. 38. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council, and they shall have power to settle, compromise or prosecute all such actions on the part of the village when said village shall be a party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village in an action to which the village shall be a party.

Corporate
powers of the
village.

SEC. 39. The corporation is invested with all powers to carry into full force, virtue and effect all and every part of the charter of said village and the acts amendatory thereof, and to carry into execution the same; and shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest thereof.

This act to be
voted upon by
the legally
qualified elec-
tors.

SEC. 40. At the first election held under the provisions of this act, the legally qualified electors shall vote for or against incorporation; and a majority of the votes so cast shall decide, and be conclusive, in receiving or rejecting the same.

When act to
take effect.

SEC. 41. This act shall take effect and be in force from and after its reception by a majority of the legal voters residing within the corporate limits of said village.

Approved Feb. 20, 1872.

CHAPTER XIV.

*An Act to Incorporate the Village of Fergus Falls.*February 29,
1872.

CHAPTER I.

- SECTION 1. Boundaries of the village and corporate powers.
2. Elective officers and their terms of office.
 3. Annual elections, when held.
 4. Relating to inspectors for the first election.
 5. Oaths of office, and bonds for faithful discharge of duty.

CHAPTER II.

- SECTION 1. The village council, how constituted.
2. Powers of the council in elections.
 3. Quorum of council and authority to compel attendance.
 4. Power to control or expel its own members.
 5. All actions of council to be by ordinance. Meetings for business. Records of meetings.
 6. Powers and duties of the president of council.
 7. Malfesance of the president, how punished.
 8. Recorder—duties and responsibilities.
 9. Village attorney, may be appointed by council.
 10. Duties of village attorney.
 11. Duties of village marshal.
 12. Duties of treasurer.
 13. Village printer may be designated.
 14. Copies of all ordinances, &c., to be filed by the printer.
 15. Members of the council not to be interested in contracts.
 16. Village surveyor—his duties.
 17. Village to be constituted a road district.
 18. Duties of street commissioner.
 19. Removal from village—duties of officers.
 20. Council have power to exact additional duties from officers, and to appoint other officers.

CHAPTER III.

- SECTION 1. Style of ordinances.
2. Special powers of the council enumerated.
 3. Ordinances, &c., to be passed by affirmative votes, by ayes and noes.
 4. Powers conferred on council not to restrict actions in courts.
 5. Actions for penalties to be brought in name of village.
 6. Prosecutions for violation of this act.
 7. Marshal and other police officers vested with powers of sheriffs and constables.

8. Service of process against village—how made.
9. Officers of the peace—who are designated.
10. Village justice—jurisdiction and powers.
11. To report proceedings and pay over fines.

CHAPTER IV.

- SECTION 1. Power of council to open streets, order sidewalks, &c.
2. Sidewalks, by whom built.
 3. Failure to build sidewalks—penalty.
 4. Failure to pay assessment, to be enforced same as for delinquent tax.
 5. Width of sidewalk and material to be used.
 6. Taxation for current village expenses.
 7. Limitation in the contraction of debts.
 8. Tax levy to be transmitted to county auditor.
 9. Duties of the assessor.
 10. All work to be let by contract.
 11. School districts.
 12. Real and personal estate.
 13. Not liable for board of prisoners held for violation of state laws.
 14. Inspectors of election.
 15. Highway labor and taxes.
 16. Compensation of officers.
 17. Delivery of books and papers to successor in office, &c.
 18. Competency of citizens as jurors, witnesses, &c.
 19. Failure of election not to suspend or abolish village government.
 20. Repeal of any part of this act to be by special law.
 21. To be regarded a public act.
 22. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

Boundaries.

SECTION 1. That all the territory embraced in the following boundaries, to-wit: the whole of sections two (2), three (3), four (4), and north half of sections nine (9), ten (10) and eleven (11) in township number one hundred and thirty-two (132) north of range number forty-three (43) west, and south west quarter of section twenty-five (25) and south half of sections twenty-six (26) and twenty-seven (27) and south-east quarter of section twenty-eight (28) and east half of section thirty-three (33) and all of sections thirty-four (34) and thirty-five (35) and west half of section thirty-six (36) in township number one hundred and thirty-three (133) north of range forty-three (43) west, shall be known as the village of Fergus Falls, and shall have the powers generally possessed by corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted and be capable of contracting and being contracted

with, suing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey real estate and personal estate, and mixed estate, within or without the limits thereof, as the purposes of the village may require, and the authorities thereof shall have perpetual succession.

SEC. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one assessor and one justice of the peace, and shall each, except the justice of the peace, hold their respective offices for the term of one year and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years and until his successor shall be elected and qualified. In addition to the above mentioned officers the council shall have power to appoint a marshal and one street commissioner, and such other officers as to said council may seem necessary, and to define the duties of such officers, and to remove such officers at pleasure.

Elective
officers and
their terms of
office.

SEC. 3. There shall be an annual election held in said village on the first Tuesday of April in each year, at which the electors residing within the limits of said village qualified to vote at town elections, may choose by ballot and by plurality of votes the president, one recorder, three trustees, one treasurer, one assessor and one justice of the peace. The trustees shall give ten day's notice of the time and place of holding said election, by posting up written notices thereof in three public places of the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village, *Provided*, that the first election of officers in said village shall be held on the fourth Tuesday of March, A. D. one thousand eight hundred and seventy-two (1872). The elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

Annual
elections.

SEC. 4. That for the purposes of the first election under this act Jacob Austin, James Chambers and Ernest Buse shall be inspectors of election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers, prescribed by this act. At said election all the officers provided for by this act shall be elected; *Provided*, In case any of the foregoing board of canvassers should not be present or should fail to act as such inspectors, then and in that case it shall and may be lawful for the by.

Inspectors for
the first
election.

standers to fill any such vacancy that may occur in said board. Special meetings may be called at any time by the trustees of said village, upon the petition of twelve legal voters and freeholders of said village, by giving the notice above required, stating the object of such meeting.

Oaths of office
and bonds.

SEC. 5. Each officer, before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe, before some officer by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto the treasurer, recorder, justice of the peace, marshal and street commissioner shall each give a bond in a sum not less than two hundred dollars, to be determined by said council, conditioned for the further performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

CHAPTER II.

The village
council, how
constituted.

SECTION 1. That the president, recorder and trustees shall constitute the village council, to which body shall belong all the legislative powers granted by this act to said corporation.

Powers of the
council in
elections.

SEC. 2. The village council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

Quorum of
council.

SEC. 3. A majority of the village council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Power to con-
trol or expell
its members.

SEC. 4. The village council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected expell a member after due notice given, and an opportunity extended to the accused to be heard by counsel or otherwise.

All actions of
council to be
by ordinance.
Meetings for
business.

SEC. 5. All actions of the council intended to have the force of rules or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the common council of the village of Fergus Falls;" and no ordinance shall embrace more than one subject, which shall be expressed by its title. The village council shall meet for the

transaction of business at least once in three months, and at such other times as said council may deem necessary. The president, when present, shall preside at all meetings of the village council, but in case of his absence the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by the vote of a majority of the members of the village council. A record in book form shall be kept by the recorder, in which he shall record all the proceedings of the village council, and ayes and noes upon every ordinance voted upon shall be entered therein.

Records.

SEC. 6. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or from their nature must necessarily pertain to the other executive officers of said corporation, whether said officers are created by this act or by the village council. He shall have power to call a meeting of the council by giving such notice thereof as may have been provided by ordinance, or, in default of provision, in such manner as he may deem meet and proper; and shall sign all orders drawn on the treasurer for money voted to be paid by said village council.

President of council.

SEC. 7. In case the president of the village council shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court for Otter Tail county, and on conviction he shall be fined not more than five hundred dollars and the court shall have power (on recommendation of the jury) to add to the judgment of the court that he be removed from office.

Malfeasance of the president, how punished.

SEC. 8. That the recorder shall be the recording officer of the village and of the village council. He shall have the custody of the seal of said corporation and all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against such corporation previously audited and allowed by the village council. He shall also make to the village council, at the close of each official year, a condensed report of all his doings as such officer during such year; and the shall with all reasonable dispatch, make such other reports as the village council shall require. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from

Recorder—duties and responsibilities.

Recorder—duties and responsibilities.

the records of the village council certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall report annually on the first day of June to the council, an estimate of the expenses of the village for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the village shall commence on the first day of July. He shall countersign all contracts made in behalf of the village, and all certificates of work done by order of the village council. He shall negotiate such temporary loans for the village as the village council may direct, and such loan shall be subject to the approval of the village council. He shall examine the reports, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the village council shall direct. He shall not be directly or indirectly interested in any job or contract to which the village is a party. He shall receive for his services such sum as the village council may deem proper, not to exceed one hundred dollars per annum.

Village attorney.

SEC. 9. The village council shall have power to elect a village attorney and to define his duties and fix his compensation.

Duties of village attorney.

SEC. 10. The village attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the village council or its committees.

Duties of village marshal.

SEC. 11. The village marshal shall execute such orders and perform such duties as are prescribed by the village council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the village and for all other purposes. He shall possess the powers of a constable at law under the statutes of this state and receive like fees, and said marshal shall have the power to appoint a deputy; said marshal shall be responsible for the acts of said deputy.

Duties of treasurer.

SEC. 12. The treasurer shall receive all moneys belonging to the village and keep an accurate and detailed account thereof, and on the first day of July, one thousand eight hundred and seventy-two (1872), and quarterly thereafter, he shall exhibit to the village council a full and detailed account of all receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which account shall be filed by the recorder. He shall from such moneys pay upon presentation all orders therefor drawn by the recorder and countersigned by the president. *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of

the payee thereon, and the party receiving the money therefor.

SEC. 13. The village council may designate a newspaper published in said village in which shall be printed all ordinances and by-laws, the proceedings of said village council and such other matters as may be required by law; *Provided, however,* That all printing that shall be done for said village shall be let to the lowest bidder.

Village printer.

SEC. 14. The village printer or printers, immediately after the publication of any notice, ordinance, or resolution, or any other matters which by this act is or by village ordinances shall be required to be published, shall file with the recorder a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Copies of all ordinances, &c. to be filed by the printer.

SEC. 15. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested shall be null and void.

Members of the council not to be interested in contracts.

SEC. 16. The village council shall have power to elect a village surveyor who shall hold his office during the pleasure of the village council, who [which] shall prescribe his duties and fix the fees of compensation for any service performed by him, and all surveys, profiles, plans or estimates made by him for the village shall be the property of the village, and shall be carefully preserved in the office of the recorder, and open to inspection of parties interested, and shall also have the same legal force as similar acts performed by the county surveyor.

Village surveyor—his duties.

SEC. 17. The village of Fergus Falls shall be constituted one or more road districts, to be defined by the village council, and the highway labor and taxes shall belong to said road district.

Village to be constituted a road district.

SEC. 18. The street commissioner shall, under the direction of the village council, superintend the grading and improving the streets, alleys and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the village and discharge the same duties as are by law required of overseers of highways generally.

Duties of street commissioner.

SEC. 19. Any officer removing from the village, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the village council shall proceed to fill the vacancy as prescribed.

Removal from village—duties of officers.

Council have power to exact additional duties and to appoint other officers.

SEC. 20. The village council shall have power from time to time to require other and further duties performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The village council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

CHAPTER III.

Style of ordinances.

SECTION 1. The style of all ordinances shall be "The village council of the village of Fergus Falls do ordain."

Special powers of the council enumerated.

SEC. 2. The village council shall have the control and management of the finances and of all the property of the village, and the said council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all ordinances, rules and by-laws, for the government and good order of the village and for the suppression of vice as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have full force of law, and for these purposes shall have authority by ordinances, resolutions or by-laws; *Provided*, That they are not repugnant to the constitution and laws of the United States or of this state:

First—To license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors, within the limits of the said village of Fergus Falls, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, fermented or malt liquors, if first having obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes. *Provided*, That no license shall be granted for less than fifty dollars, nor more than five hundred dollars, and that previous to the granting of any such license a bond shall be executed and filed with the recorder of said village, with the same conditions and with the same penal sum as required by the general act; and the council shall have full power to restrain any person from vending

liquors unless duly licensed by the village council of the said village.

Second—To license and to regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or tenpin alleys, bowling saloons, butchers' shops and butchers' stalls, and venders of butchers' meat, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, and victualing houses. *Provided*, That not less than five dollars nor more than five hundred dollars shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed one dollar; and the said village council may at any time revoke any license granted under this act, for malconduct in the course of trade, and may regulate and restrain the sale of fresh or butchers' meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit within said village.

Special powers
of the council
enumerated.

Third—To restrain and prohibit the use of all gambling devices whatever, from being set or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices.

Fourth—To prevent any riots, noise, disturbance and disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof.

Fifth—To direct the location and management of slaughter houses, markets, distilleries and breweries.

Sixth—To prevent the incumbrance of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

Seventh—To prevent and punish horse-racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or animals attached to vehicles or otherwise, while standing in the street, and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners for violation of the ordinances.

Ninth—To prevent the running at large of dogs, to im-

pose a tax on the same, and to authorize their destruction in a summary manner when at large, contrary to the ordinance.

Special powers
of the council
enumerated.

Tenth—To prevent any person from bringing, depositing or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Eleventh—To make and establish public pounds and regulations regarding the same, to make and establish public grounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants.

Twelfth—To regulate the width and surface line of sidewalks, and to prevent damage thereto.

Thirteenth—To prevent the shooting of fire arms, crackers, rockets or other projectiles, and to prevent the exhibition of any fire works, in any location which may be deemed by the village council dangerous to the village or any property therein.

Fourteenth—To restrain drunkenness, immoderate drinking of intoxicating beverages, brawling or obscenity in the streets or public places.

Fifteenth—To license and regulate runners and solicitors for boats, stages, public houses, railroads and other establishments.

Sixteenth—To regulate the place and manner of selling, and to provide for the inspection and weighing of hay and stone coal, and the measuring of charcoal, firewood and other fuel.

Seventeenth—To compel the owners and occupants of buildings or grounds, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in his default to authorize the removal thereof by some officer of the village, at the expense of such owner or occupant.

Eighteenth—To establish a board of health, and prescribe its powers and duties, and to prevent the introduction and spread of contagious diseases.

Nineteenth—To grant licenses to auctioneers, and to regulate the place and manner of holding public auctions.

Twentieth—To appropriate money and provide for the payment of the debts and expenses of the village.

Twenty-first—To alter, abolish, open, widen, extend, es-

tablish, grade, repair or otherwise improve and keep in repair all streets, avenues and alleys.

Twenty-second—To establish and regulate police officers and watchmen, and prescribe their numbers and duties.

Special powers
of the council
enumerated.

Twenty-third—To provide for the erection of all needful buildings for the use of the village.

Twenty-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Twenty-fifth—To provide for the enclosing, improving and regulating all public grounds belonging to the village, and for adorning the same and the streets of said village with shade trees, and make provision for the protection and preservation of the same.

Twenty-sixth—To provide from time to time for taking the enumeration of the inhabitants of the village.

Twenty-seventh—To prescribe limits within which wooden buildings or buildings of other materials that shall not be deemed fire-proof, shall not be erected, placed or repaired.

Twenty-eighth—To prevent the construction, placing and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and appurtenances used in and about any building in a dangerous manner, and when found so constructed to cause the same to be placed in a safe and secure condition, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the village.

Twenty-ninth—To provide a suitable place in which to confine those who, for the violation of any ordinance, rule or by-law enacted by said council, may be liable to such confinement.

Thirtieth—To impose fines, penalties and punishments for the breach of any ordinance or regulation of said village, to the extent of a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both such fine and imprisonment, and to be fed on bread and water, at the discretion of the justice; and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 3. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the village council, by ayes and noes, and published at least once in the official paper before the same shall be in force, and shall be admitted as evidence in any court in this state without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

Ordinances,
&c., to be passed
by affirmative
votes, by
ayes and noes.

Powers conferred on council not to restrict actions in courts.

SEC. 4. The power conferred upon the village council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, fermented or malt liquors are sold without license required therefor, within the limits of said village are hereby declared and shall be deemed common nuisances.

Actions for penalties to be brought in name of village.

SEC. 5. All actions brought to recover any penalty, fine or forfeiture under this act or the ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village.

Prosecutions for violation of this act.

SEC. 6. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant; *Provided*, That no warrant shall be necessary in any case of arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village; but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

Marshal and other police officers vested with powers of sheriffs and constables.

SEC. 7. The marshal and other police officers are hereby vested with all powers of a sheriff or constable in the service of writs as granted to them by the laws of the state, and may pursue into any county of this state and take and bring back for trial any offender against the ordinances of said village.

Service of process against village, how made.

SEC. 8. When any suit or action shall be commenced against said village the service therein shall be made by copy left with the recorder of the village.

Officers of the peace, who are designated.

SEC. 9. The president of the village, sheriff of Otter Tail county and each and [every] trustee, marshal, recorder, justice of the peace of the village, and constables, shall be officers of the peace and suppress in a summary manner all disorderly behavior within the limits of the village, and for such purposes may command the assistance of the bystanders; and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars and not less than five dollars.

Village justice, jurisdiction and powers.

SEC. 10. The village justice shall have jurisdiction in all respects equal to the jurisdiction and powers of justices of the peace under the laws of the State of Minnesota, and the same proceeding shall be had in all respects in civil and criminal actions as are applicable to the laws of this state governing the proceedings before justices of the peace; he shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases for offences committed in the village of Fergus Falls of which a

justice of the peace has jurisdiction under the statutes of the state of Minnesota. The said village justice shall have exclusive jurisdiction of all cases cognizable before a justice of the peace in which the village is a party, and shall have cognizance and exclusive jurisdiction in all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation in the said village of Fergus Falls or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offence committed against the same. All prosecutions for assaults, batteries, riots, crimes and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the names of the state of Minnesota and the village of Fergus Falls, and all process and writs issued by the said village justice shall be in the names of the state of Minnesota and the village of Fergus Falls, and shall be directed to the marshal of the village of Fergus Falls, or to the sheriff or any constable of any county in the state of Minnesota; and for such purpose said marshal, sheriffs and constables shall have and possess the power and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

SEC. 11. The said justice of the peace shall, as often as the council may require, report to them all the proceedings before him, in which the village is interested, and shall at the same time account and pay over to the village treasurer all fines and penalties collected or received by him, belonging to the village; and said justice shall be entitled to receive the same fees in criminal cases as are allowed by statute to justices of the peace for similar services—such fees to be paid by the village. All fines and penalties imposed by the village justice for offenses committed within the village limits, or for violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

To report proceedings and pay over fines.

CHAPTER IV.

SECTION 1. The village council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the general laws of the state upon the boards of supervisors of townships, to open, alter, discontinue lay out roads, and in the manner of opening, laying out or vacating streets or alleys, and the assessment of damages, the village council

Power of council to open streets, order sidewalks, &c.

shall be governed by an act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decisions of township supervisors.

Sidewalks, by
whom built.

SEC. 2. The cost and expense of building or repairing sidewalks shall be, at the option of the village council, chargeable to the lots fronting on such improvement; provided, that the consent in writing to such improvement, of the owners of one-third or more of such lots, shall first be filed with the village recorder, in any case where a sidewalk is to be constructed for the first time in front of such lots, but such consent shall not be required for the repair or renewal of such sidewalk. Whenever, in such case, the village council shall deem it necessary to repair or construct any sidewalk in the village of Fergus Falls, they may require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by publication in a newspaper printed and published in said village, for not less than two weeks, of a notice to said owner or occupants, setting forth what work is to be done and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Failure to build
sidewalks, pen-
alty.

SEC. 3. If such work is not done, and the sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of lands so chargeable, by the street commissioner and returned by him to the village council, and said assessment so made and returned, if approved by the village council, shall become a lien upon said lots and parcels of land as in case of town, county and state taxes.

Failure to pay
assessment, to
be enforced
same as for de-
linquent tax.

SEC. 4. If said assessment be not paid to the street commissioner or the village, on or before the twentieth day of August, in any year, the village council shall cause a statement of the same to be transmitted, with the village taxes levied for that year, to the auditor of the county of Otter Tail, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and pay-

ment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

SEC. 5. The village council shall prescribe the width of sidewalks, and may establish different widths in different localities, and may order them constructed on one or both sides of any street, and the depth of gravel in graveling streets.

Width of sidewalk and material to be used.

SEC. 6. The village council shall have power by resolution to levy upon all the taxable property of said village, taxes to provide for the current expenses of the village government. Provided, That such taxes shall in no year exceed four mills on the dollar of the assessed valuation.

Taxation for current village expenses.

SEC. 7. The village shall not have power to contract debts or make expenditures for any one year in a larger sum than the amount of taxes assessed for such year, without having been authorized by a majority of the voters of said village.

Limitation in the contraction of debts.

SEC. 8. The village council shall cause to be transmitted to the county auditor of said county, on or before the first day of September in each year, a statement of all the taxes by them levied, together with a statement of the delinquent highway taxes; and such taxes shall be collected and the payment thereof enforced, with and in like manner as the state and county taxes are collected and the payment thereof enforced; and the county treasurer shall pay over such taxes, as fast as collected, to the treasurer of said village.

Tax levy to be transmitted to county auditor.

SEC. 9. The assessor of the village of Fergus Falls shall qualify and shall perform the duties pertaining to his office in accordance with the general statutes of this state in regard to township assessors. He shall be subject to all the liabilities and perform all the duties of a township assessor, and receive such compensation as the council may direct. No assessment of property within the village of Fergus Falls shall be made by any other than the village assessor, except as herein specially provided.

Duties of the assessor.

SEC. 10. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract; not less than ten days' notice shall be given of the letting of the contract by the posting of notices by the recorder in two public places in the village, to be signed by the president and the recorder, and also filing said notice with the recorder at the same time.

All work to be let by contract.

SEC. 11. The said village shall constitute one school district, under the general school laws of this state; provided, That any school district, or part of school district, adjacent to said village, may by a majority vote of the electors of such

School districts Real and personal estate.

school district, or part of school district, and with the consent of the village unite with said village for the purpose of forming an independent school district, under the general laws of this state.

Real and personal estate.

SEC. 12. The said village may lease, purchase and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation.

Not liable for board of prisoners held for violation of state laws.

SEC. 13. The village of Fergus Falls shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of Otter Tail county, for any offense punishable under the state laws.

Inspectors of election.

SEC. 14. The village council shall act as inspectors of elections and shall receive the same compensation as fixed by the laws of the state.

Highway labor and taxes.

SEC. 15. The village council shall issue a warrant to the street commissioner containing the whole amount of highway labor and taxes assessed and levied in the village, which said warrant shall be returned by him to the recorder of the village. The laws of the state shall apply to warning, sueing for and collecting highway taxes, and to returning delinquent taxes. The village council shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns, in levying highway and labor taxes.

Compensation of officers.

SEC. 16. No officer shall receive compensation except the treasurer, marshal, recorder, assessor, street commissioner, attorney, surveyor and village justice, and in all such cases compensation shall be fixed by ordinance, where the laws of the state do not define such compensation.

Delivery of books and papers to successors in office, &c.

SEC. 17. Any person having been an officer of the village, who shall not within six days after requested by his successor in office, deliver all books, papers, property or effects in his hands pertaining to such office, or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects in the manner prescribed by the laws of this state for other officers.

Competency of citizens as jurors, witnesses, &c.

SEC. 18. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Fergus Falls shall be a party in interest.

SEC. 19. If any election by the people or village council shall for any cause not be held at the time nor in the manner

herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the village council; and if any of the duties enjoined by this act or the ordinances or by-laws of the village to be done by any officer at any specified time, and the same are not so done or performed, the village council may appoint another time at which the said acts may be done and performed.

Failure of election not to suspend or abolish village government.

SEC. 20. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

Repeal of any part of this act to be by special law.

SEC. 21. This act is a public act, and need not be pleaded or proven in any court in this state.

To be regarded a public act.

SEC. 22. This act shall take effect and be in force from and after its passage.

When act to take effect

Approved February 29, 1872.

CHAPTER XV.

An Act to Incorporate the City of Lake City.

February 29,
1872.

CHAPTER I.

SECTION 1. Corporate powers.

2. Boundaries of the city.
3. Division into wards.

CHAPTER II.

SECTION 1. Annual elections—when held—judges of.

2. Elective officers and their terms of office.
3. Removals from office.
4. Vacancies in office—how filled.
5. Elections to be by ballot.
6. Qualifications of electors.
7. Removal from city—duties of officers.
8. Relating to judges of elections.
9. Returns of elections—how made.
10. Special elections—how called.
11. Terms of office—when to commence.
12. Failure to elect—new election to be held.

CHAPTER III.

- SECTION 1. Oaths of office, and bonds for faithful discharge of duty.
2. Powers and duties of mayor.
 3. Malfesance of the mayor, how punished.
 4. Temporary presiding officer of council.
 5. Mayor and aldermen to serve without pay.
 6. Duties of treasurer.
 7. Recorder—duties and responsibilities.
 8. City attorney, may be appointed by council.
 9. Duties of marshal.
 10. Assessor, term of office, duties, &c.
 11. Duties of street commissioner.
 12. Jurisdiction of justices of the peace and constables.
 13. Justices to make report to common council.
 14. Delivery of books and papers to successor in office, &c.
 15. Mayor and other police officers vested with powers of sheriffs and constables.
 16. City printer to be designated.
 17. Copies of all ordinances, &c., to be filed by the printer.
 18. Members of the council not to be interested in contracts.
 19. Council have power to exact additional duties from officers, and to appoint other officers.
 20. Surveys, plats, &c., to be property of city and be preserved.

CHAPTER IV.

- SECTION 1. Style of ordinances.
2. Special powers of the council enumerated.
 3. Ordinances, &c., to be passed by affirmative votes, by ayes and noes.
 4. Powers conferred on council not to restrict actions in court.
 5. Accounts of city officers to be examined by council.

CHAPTER V.

- SECTION 1. Taxes levied for support of city government.
2. Time of levy and when tax to be entered on duplicate.
 3. When taxes to be paid over by the county treasurer.
 4. City funds under control of council.

CHAPTER VI.

- SECTION 1. Sidewalks, expenses of constructing, how paid.
2. Assessments to be reported to the county treasurer.
 3. Streets, alleys, drains, &c., expenses how paid.
 4. Street improvements to be ordered only on petition from property owners.
 5. Assessments for street improvements—appeal from assessments.
 6. Street grades—profiles to be taken—sewerage system.

CHAPTER VII.

- SECTION 1. Highways, bridges, streets &c., under control of council.
2. Streets to lay out, open or vacate—proceedings.
 3. Survey and profile to be filed, when.
 4. When streets may be vacated.
 5. Appeals, how made.
 6. Record of proceedings to be kept by the recorder.

CHAPTER VIII.

- SECTION 1. Action to be in the corporate name of the city.
2. Appeals may be taken.
 3. Judgment may be remitted, when
 4. Competency of citizens as jurors, witnesses &c.
 5. Property exempt from levy and sale.
 6. Contracts, how made.
 7. Failure of election not to suspend corporation.
 8. City may lease or purchase property for city purposes.
 9. Repeal of any part of this act to be by special clause.
 10. Deputy recorder may be appointed.
 11. First election under this charter.
 12. Sets apart the remaining part of the township of Lake City into a new township.
 13. This act declared a public act.
 14. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

SECTION 1. All the district of country in the county of Wabashaw and state of Minnesota, contained within the limits and boundaries hereinafter described, shall be a city by the name of Lake City, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the city of Lake City; by that name shall sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and take, hold and purchase, lease and convey such real and personal or mixed estate as the purpose of the corporation may require within or without the limits aforesaid; and shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession.

Corporate
powers.

SEC. 2. The district of country aforesaid constituting the city of Lake City, and the limits and boundaries thereof, shall be as follows, to-wit: Beginning at the northwest corner of the northeast quarter of section number six in township number one hundred and eleven north of range number twelve west, running thence south one and one-half miles to the center of section number seven in said township, thence east along the quarter section line and the continuance thereof to the center of Lake Pepin, thence up the middle of said lake to a point due east of the termination of the

Boundaries.

line between townships numbers one hundred and eleven and one hundred and twelve, thence to and along said line west to the place of beginning.

Division into
wards.

SEC. 3. The said city shall be divided into two wards, called the first and second wards limited and bounded as follows: All that part of said territorial limits lying and being westward of a line beginning in the southern boundary of said territorial limits at a point twenty-seven and one-half [rods] west of the center of section number eight in township number one hundred and eleven north of range twelve west, thence along the middle of the public road north to a point where a line running through the center of Pearl street in the platted town of said Lake City, continued southwestward will intersect the same, thence northwestwardly by said line running through the middle of Pearl street and the continuation thereof to Greenwood Avenue, thence through the alley between blocks E. and F. in said town of Lake City, thence northerly to the northern boundary of said territorial limits, shall constitute the first ward. All that part of said territorial limits lying and being eastward of said described lines shall constitute the second ward.

CHAPTER II.

Elective Officers and Elections.

Annual elec-
tion.

SECTION. 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five in the afternoon; and ten days previous notice shall be given by the common council, of the time and place of holding such election, and of the officers to be elected.

Officers.

SEC. 2. The elective officers in said city shall be a mayor, treasurer, and recorder, all of which said officers shall be residents within and qualified voters of said city.

Each ward shall elect annually one alderman, one justice of the peace and one constable, who shall hold their offices for two years, and who shall be residents in and qualified voters of the ward for which they may be elected; except that at the first election hereunder, there shall be elected in addition to the one alderman already prescribed, one other alderman, who shall hold his office for one year, and until his successor is elected and qualified.

The city treasurer and city recorder shall hold their

respective offices for two years and until their successors are elected and qualified, unless otherwise provided herein.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from such office by a vote of four-fifths of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished a written statement of the charges against him, nor until such person shall have had a reasonable opportunity to be heard in his defense.

Removals from office.

The common council shall have power to fix a time and place for the trial of such officer, of which not less than ten days notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation, or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after said vacancy is declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for.

Vacancies, how filled.

The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may [be] elected or appointed to fill.

SEC. 5. All elections by the people shall be by ballots, and each ballot shall contain the names of the persons voted for with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct.

Elections to be by ballot.

SEC. 6. All persons entitled to vote for state or county officers and who reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created, provided their name shall have been inserted in the list of qualified

Qualifications of electors.

electors of the ward in which they reside, as in the case of the election of state and county officers; and the different wards established by law shall constitute election districts for state and county as well as city elections; and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of Wabashaw, within the time and manner prescribed by law.

Removal from
city—duties of
officers.

SEC. 7. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill vacancy as herein prescribed.

Judges of elec-
tions.

SEC. 8. The elections in said city shall be held and conducted by the alderman in each ward and one qualified voter and resident of each ward to be designated by the common council, who shall be the judges of election in their respective wards in all elections of state, county or city officers, and shall take the usual oaths or affirmations as prescribed by the general laws of the state to be taken by judges of elections, and shall have power to appoint clerks of such election, and to administer the necessary oaths. Said election shall be held and conducted in the manner and under the same penalties as provided for state and county election, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; *provided*, that no alderman shall be [a judge of an election at which he is] a candidate for office. In such case the office of judge of election shall be considered vacant, and filled as provided [by] law.

Returns of
elections, how
made.

SEC. 9. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the city recorder within three days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three days thereafter.

The city recorder shall forthwith notify the officer or officers elected of their election by written notices served upon such officers, in person, or left at their last usual place of abode, with some person of suitable age and discretion.

SEC. 10. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same man-

ner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

Special elections, how called.

SEC. 11. The term of every officer elected under this law shall commence on the second Tuesday of April, of the year of [in] which he was elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

Terms of office.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place of holding the election being first given.

Failure to elect

CHAPTER III.

City officers—their powers and duties.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the recorder of the city; and the treasurer, street commissioner, assessor, and such other officers as the common council may direct, shall severally before they enter upon the duties of their respective offices, execute to the city of Lake City a bond, with, at least, two sureties, who shall make affidavit that they are each worth the penalty specified in said bonds over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such condition as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oaths of office—bonds.

SEC. 2. The mayor shall be *ex-officio* president of the common council but shall not vote on any question unless in case of a tie, when he may give the casting vote. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint all police officers and marshals, subject to the approval of the common council; and in case of a riot or other disturbances, he may appoint as many special

Powers and duties of mayor

or temporary constables as he may deem necessary; and which temporary constables shall act until discharged by the mayor.

Malfeasance of mayor.

SEC. 3. In case the mayor shall be guilty of any wilful oppression, or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction, shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the cause,) to add to the judgment for the fine, that he be removed from office.

Temporary presiding officer.

SEC. 4. In case the mayor shall be absent from any meeting of the common council, they shall proceed to elect, of their own number, a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. In case of the absence of the mayor from the city, or his inability from any reason, to discharge the duties of his office, the council shall elect by ballot, from their own number, an officer who shall be styled acting mayor, and all actions performed by him shall have the same force and validity as if performed by the mayor.

Mayor and aldermen to serve without pay.

SEC. 5. The mayor and alderman shall not be entitled to pay nor in any manner be paid for services rendered or duties performed as such mayor and alderman.

Duties of treasurer.

SEC. 6. The treasurer shall receive all moneys belonging to the city, keep an accurate and detailed account thereof, in such manner as the city council shall, from time to time, direct. The treasurer shall exhibit to the city council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures, after the date of the last annual report, and also the state of the treasury, which account shall be filed with the recorder. Such treasurer shall be entitled to the same fees, as like officers in towns receive for similar services under the laws of this state.

Duties of recorder.

SEC. 7. The recorder shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the city council. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof, in books provided for that purpose, and make a fair and full record of all the by-laws, rules or ordinances made or passed by said city council. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office, and transcripts from the records of the city council, certified to by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall report

annually on or about the first day of May, to the council, an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of May. He shall make or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work, by any officer of the city or any committee of the city council. He shall negotiate, between the first of May and the collection of taxes for the same year, such temporary loans for the city as the city council shall direct, anticipating the revenue for the current year, and such loans shall be subject to the approval of the city council. He shall examine the reports, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the council shall direct. All claims against the city, before they are allowed by the city council, shall be audited and adjudged by the mayor. The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city. The city recorder shall receive a compensation to be paid by the common council; provided that the compensation paid to him in any one year shall not exceed one hundred dollars.

Duties of
recorder.

SEC. 8. The common council shall have power to appoint an attorney for the city, who shall perform all professional services incident to his office, and when required shall furnish opinions upon any subject submitted to him by the common council. The city attorney shall hold his office for two years. And for such services he shall receive a compensation to be fixed by the common council.

City attorney

SEC. 9. The marshal shall execute such orders as are made and prescribed by the city council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of the state, and receive like fees, and in addition thereto such other compensation as may be fixed by the common council.

Duties of mar-
shal.

SEC. 10. The common council shall at their first meeting after the annual election, or at an adjournment thereof, elect a city assessor, who shall hold his office for two years, and until his successor is elected and qualified. He shall be a resident freeholder and elector of said city, and shall have

Assessor.

and possess all the authorized [authority], rights and powers of assessors under the general laws of this state, and for his services shall be entitled to the same fees as like officers receive for similar services, under the laws of this state.

Duties of street commissioner.

SEC. 11. The common council shall at their first meeting after their annual election, or an adjournment thereof, elect a street commissioner for said city, who shall hold his office for one year, and until his successor is elected and qualified. It shall be the duty of the street commissioner to render his personal services and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the said city, under the direction of the common council and committee on streets in relation thereto, and perform such other duties as may be prescribed by ordinances or ordered by resolution of the common council. Said street commissioner shall receive a compensation, to be fixed by the common council, and shall keep accurate accounts of all expenditures incurred in the discharge of his duties, and render monthly accounts thereof to the common council, or oftener if required.

Justices of the peace and constables.

SEC. 12. The justices of the peace and constables of said city shall have and possess all the authorized [authorities], rights and powers of justices of the peace and constables, under the general laws of this state; and in addition thereto, the justices of the peace for said city, shall have sole and exclusive jurisdiction of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said city.

All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or a violation of any by-law, ordinance or regulation of said city, shall be commenced in the name of the city of Lake City, and the same proceedings shall be had as are required by law in criminal cases tried before justices of the peace. And all fines imposed or collected in such cases, and in all cases tried before a justice of the peace of said city for any violation of law committed within said city shall accrue to the benefit of said city. The said justices of the peace and constables shall be entitled to the same fees as like officers receive for similar services, under the laws of this state.

Justices to make report to council.

SEC. 13. The justices of the peace shall quarterly report to the common council a list of all proceedings instituted before them, in behalf of the city and the disposition thereof; and shall at the same time, account and pay over to the city treasurer all fines, penalties and costs collected, which may by law accrue to the city, and they shall be entitled to receive from the county of Wabashaw such fees in criminal

cases, prosecuted in the name of the state of Minnesota, as are allowed by law to other justices of the county for similar services. In all cases commenced in the name of said city when the complaint shall be deemed by the justice before whom the same was tried to be wilful and malicious, the costs shall not be paid by said city but by the complaining witness and such witness may be committed to jail until the same is paid or until otherwise released according to law.

SEC. 14. Any person having been an officer in said city, shall, within ten days after notification and request, deliver to his successor in office, all property, papers, books and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held. If he fail so to do, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state, in cases of unlawful detention of property.

Delivery of
books and
papers to suc-
cessor in office.

SEC. 15. The mayor, sheriff of Wabashaw county, each and every alderman, justices of the peace, marshal, recorder and constables, shall be officers of the peace, and [may command the peace, and] suppress in a summary manner, all rioting and disorderly behavior within the limits of the city; and for said purpose may command the assistance of all by-standers, and if any person so commanded shall refuse to aid in maintaining the peace, every person shall pay a fine of twenty-five dollars.

Mayor and po-
lice vested with
powers of sher-
iffs and consta-
bles.

SEC. 16. The common council at their first meeting in each year, or so soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances, and other proceeding, and matters required by this act, or by-laws or ordinances of the common council, to be published in a public newspaper; *provided*, that the common council may order the publication of ordinances, advertisements, proceedings, or such resolutions as may be of general importance, in such newspapers as they may direct.

City printer.

SEC. 17. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which, by this act is required to be published, shall file with the recorder of the city a copy of such publication, with his or their affidavit of the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, and no ac-

Copies of ordi-
nances to be
filed.

count for the publication of such notice, ordinance or resolution shall be allowed or adjusted without the certificate of the city recorder that such proof of publication has been made and filed.

Members of council not to be interested in contracts.

SEC. 18. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same.

Council have power to exact additional duties from officers.

SEC. 19. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties unless herein otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed, and duly qualified, except as provided in this act. The common council shall also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created or at the commencement of the year, and shall not be increased or diminished during such year.

Surveys, plats, &c.

SEC. 20. All surveys, profiles, plans or estimates made for the city, shall be the property of the city and shall be carefully preserved in the office of the recorder, open to the inspection of the parties interested.

CHAPTER IV.

The Common Council—its general Powers and Duties.

Style of ordinances.

SECTION 1. The mayor, aldermen and recorder shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Lake City do ordain." The common council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum. The common council shall determine the rules of its proceedings and be the judges of the election and qualification of their own members, and have the power to compel the attendance of absent members. The common council shall hold stated meetings and the mayor may

call special meetings by notice in writing to each of the members to be delivered personally or left at their usual places of abode.

SEC. 2. The common council shall have the management and control of the city finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison and watch houses, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offence whatever, in any way cognizable before the justice of the peace of said city; to make all rules and regulations for the government and management of such prison and watch houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; the keepers of said prison and watch houses shall have and possess all the powers and authority of jailors of [at] the common law or by the laws of the state. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them; and all such ordinances, rules, and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws—

Special powers
of council.

First.—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts, or theatrical performances; and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, butcher shops and butcher's stalls, and venders of butcher meats, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors. *Provided*, that this act shall not be so construed as to prevent pork-packers from disposing of offal or trimmings of hogs, nor shall any person selling or who may dispose of any animals raised or fattened by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be deemed or held to be

Special powers
of council.

a vender of fresh or butchers' meats under the provisions of this act; and also to license and regulate the selling or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser. *And provided further*, that the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, except lager beer shall be at least one hundred dollars a year, and as much higher as the council shall direct, and that the license for so dealing in lager beer shall be at least thirty dollars, and as much higher as the common council shall direct, and that no license shall be granted for a less term than one year; *and provided further*, that no license shall be issued until the money is first paid. *And provided further*, that not less than five dollars, nor more than five hundred dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar; and said common council may at any time revoke any license granted under this act for malconduct in the course of trade, and may regulate or restrain the sale of fresh or butchers' meat within the corporate limits of said city, and punish or restrain the forestalling of poultry, game, eggs or fruit within said city.

Second.—To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, [giving] or dealing in spirituous, fermented or vinous liquors unless duly licensed by the city council.

Third.—To prevent any riots, noise, disturbances, disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses, or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove, purify or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Fifth.—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawnbrokers, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Sixth.—To prevent the incumbering of streets, sidewalks, lanes, alleys, public grounds, or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other materials or substances whatever.

Special powers
of council.

Seventh.—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel every person to hitch or fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

Eighth.—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining, and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances. *Provided*, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling [such animals], shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one year from the day of such sale.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner, when at large, contrary to the ordinance.

Tenth.—To prevent any person from bringing, depositing, or having within the city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance; or putrid or unsound beef, pork, fish, hides or skins of [any] kind; and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh.—To make and establish public ponds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and conduct water into and through the city, and into and through its streets, avenues, alleys and public grounds, and to provide for and control the erection of waterworks for the supply of water to its inhabitants; to regulate, and at a reasonable rate license hacks, carts, omnibuses, trucks, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to regulate, and at a reasonable rate to license second-hand stores and junk shops, and to erect lamps, and to provide for lighting the city, streets, public grounds, and public buildings, and to create, alter and extend lamp districts.

Twelfth.—To establish and regulate boards of health, provide hospitals, and hospital grounds, the registration of

births and deaths, and the returns of the bills of mortality, and to regulate and prevent the burial of the dead within the city limits.

Special powers
of council.

Thirteenth—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to such sidewalks, grounds or property.

Fifteenth—To prevent the shooting of firearms, or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof.

Sixteenth—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth—To restrain and regulate porters; and also runners, agents and solicitors for boats, vessels, stages, cars, public houses, or other establishments.

Eighteenth—To establish public markets, and other public buildings and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To provide for the receipt, storage, transportation, safe keeping, and dealing and traffic in gunpowder, gun-cotton, petroleum, kerosene, or other dangerous, explosive or inflammable oils or substances within said city, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of said articles as may be kept, stored, dealt in, transported through or received in said city, contrary to such ordinances as said city may enact for the safety of life and property therein.

Twentieth—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first—To compel the owner or occupants of buildings or grounds to remove snow, dirt, or rubbish from the sidewalks, streets or alleys, opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substance[s] as the board of health

shall direct; and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Special powers
of council.

Twenty-second.—To regulate, control or prevent the landing of persons from boats, or vessels whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to regulate, control and prevent the landing and conveyance of paupers or persons in a destitute condition, into said city and not having a legal settlement or residence therein, by any boat or vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them in said city.

Twenty-third.—To regulate time, manner and place of holding public auction or vendues.

Twenty-fourth.—To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties and to regulate the same.

Twenty-fifth.—To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide punishment for the use of false weights and measures.

Twenty-sixth.—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions.

Twenty-seventh.—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

Twenty-eighth.—To appoint inspectors, weighers and gaugers; to regulate their duties and prescribe their compensation.

Twenty-ninth.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Thirtieth.—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

Thirty-first.—To remove and abate any nuisance injurious to the public health or safety, and to remove, or require to be removed any building which by reason of dilapidation, defects in structure or other causes, may have or shall become imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge or assess the expense

Special powers
of council.

of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

Thirty-second.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health or the suppression of disease, and make regulations, and to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within the city limits.

Thirty-third.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-fourth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars and imprisonment in the city prison and county jail not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace not exceeding six months, and in a sum not exceeding five hundred dollars.

Thirty-fifth.—The common council of said city may provide by ordinance that any one convicted of an offence before the city justice subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established by said [city] for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment in such workhouse or upon the public streets and improvements of said city, or both; and may also provide by ordinance that any one convicted of an offence before the city justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor either in such workhouse or upon the public streets and improvements, or both, until such person shall work out the amount of such fine at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent escape and ensure proper discipline, and shall have power to establish a suitable workhouse in said city for the purpose aforesaid, and under such regulations as the said common council may provide, *provided*, that the common council aforesaid shall be and is hereby authorized to use the jail of Wabasha county as the workhouse of the city of Lake City, provided for in this act, the prisoners of the city to be as at present in the

custody of the sheriff of Wabashaw county, except when employed upon the public streets and improvements of said city. Special powers
of council.

Thirty-sixth.—To prescribe the limits within which wooden buildings, or buildings of other materials that shall not be deemed fire proof, shall not be erected, placed or repaired; and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and rebuilding of wooden buildings within such limits, where the same shall have been damaged to the extent of fifty per cent., of the value thereof, and to prescribe the manner of ascertaining such value and damages.

Thirty-seventh.—To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits.

Thirty-eighth.—The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to disband such companies, and take charge of their apparatus. Each company shall have not to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of such company shall be exempt from poll tax, from serving on juries and from military duty, during the continuance of such membership. And such members after five years' service in such companies, shall be thereafter free from poll taxes, service on juries and military duty, except in cases of insurrection or invasion.

SEC. 3. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the city council, and be signed by the mayor, and shall be published in the official paper of the city, for ten days before the same shall be in force; and within twenty days thereafter, they shall be recorded by the recorder, in books to be provided for that purpose; but before any such [of the said] laws, regulations or by-laws shall be recorded, the publication thereof, as aforesaid respectively, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit or certificate shall be recorded therewith, Ordinances,
how passed

and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication and posting. No appropriation shall be made without a majority of the city council voting in favor of it; and the vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Powers of council not to restrict actions in court.

SEC. 4. The powers confirmed [conferred] upon the city council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Houses or buildings of any kind wherein more than twenty pounds of gunpowder or more than five barrels of thirty-six gallons each (or such greater or less quantity as said common council may direct by ordinance,) of petroleum, kerosene, naphtha or inflammable or explosive oils or substances are deposited, stored or kept at any time, gambling houses, houses of ill fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, giving [given] away, or dealt in without a license required therefor, and all places in which, under license, spirituous, vinous, fermented, mixed or intoxicating liquors are or shall be sold or dealt in, to be drank upon the premises, and all places where card playing, or games of chance of any sort are permitted or allowed in or upon the premises or any premises adjacent, under the control, direction or management of such license[d] dealer, not, however, embracing card playing for amusement only, in private apartments, in hotels, kept for the accommodation of the traveling public, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Accounts of officers to be examined by council.

SEC. 5. The city council shall examine and adjust the accounts of the treasurer, marshal, recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year, and before the term for which said officers were elected or appointed has expired. And the council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such public officer or agent shall refuse to comply with the order of said council, in the discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent, who may be found delinquent as defaulting in his accounts, or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

CHAPTER V.

Finances and Taxation.

SECTION 1. The common council shall have power to levy upon all property, real and personal, within the city, except such as may be exempt by the laws of this state, taxes for the support of the city government and payment of its debts and liabilities, and the same shall be assessed in the manner provided for by the general laws of this state. The said common council may levy an annual tax upon all property in said city, taxable under the laws of this state, to and for the specific purposes following, *provided*, that nothing herein contained shall prevent the assessment, levy and collection of special taxes as provided by chapter *six* of this act upon any and all real estate within said city, notwithstanding the same may have been heretofore exempt from taxation under the laws of this State. First. To provide a general fund for the purchase of ground and erecting and repairing buildings for city purposes and to pay the general current and incidental expenses of the city, including salaries of officers, police, street force, fire department, lighting the city, printing and stationery, and for a contingent fund not exceeding one thousand dollars, and to provide for the preservation of the health of the city; but the amount of money to be raised for the above purposes shall only be so much as will be necessary in addition to amount received from licenses, fines, wharfage, markets and other incidental sources, for an economical administration of the affairs of the city, and shall not exceed five mills on the dollar of the assessed value of the taxable property of the city; and the money so raised shall not be expended for any other purpose than above stated.

Second.—To provide a street improvement fund for the opening and improving of streets, the construction of sidewalks, sewers and other improvements of a public character, there may be levied annually a tax not exceeding five mills on the assessed value of the property of the city.

SEC. 2. The said levy shall be made by said common council on or before the first day of October of each year, and the same shall be entered upon the tax duplicates for the county of Wabasha, and collected annually in like manner as state and county taxes are collected. *Provided*, that the board of equalization for said county of Wabasha, shall not have the power or authority to abate, alter or amend the said city assessment of real and personal property as returned by the city assessor, nor shall the board of county

Taxes.

Time of levy
of tax entered
on duplicate.

commissioners of Wabasha county have power or authority to extend the time for the payment of city taxes, or to remit any costs or penalties for nonpayment of same, without first reporting the same for the action and approval of said common council, who may approve, disapprove, or modify the action of said board of equalization, or of said board of county commissioners. *Provided*, that such disapproval or modification shall be made within twenty days after the same is proposed and submitted to said common council.

When tax paid
over by county
treasurer.

SEC. 3. The county treasurer of the county of Wabasha, shall pay over to the city treasurer for said city, all taxes by him collected belonging to said city, on the first Monday of each month next after such collections are made. And thereafter, whenever the said county treasurer shall pay over to the said city treasurer, any taxes belonging to said city, and collected under the levy provided for by said section *one*, he shall credit each of the said respective funds with its proportionate amount of each payment, according to the tax levy for such separate fund, and the same shall remain so credited, and shall not be paid out by said treasurer except in payment of such fund, for which said funds shall have been levied and collected. And no ordinance, resolution or order of said common council, or any committee thereof, or officer of said city, shall warrant or authorize said treasurer to divert any of said separate funds from the legitimate purposes for which the same were collected and credited as aforesaid, or to borrow or transfer any balance or portion of one of said funds to the credit of the other.

City funds under
control of
council.

SEC. 4. All funds in the city treasury shall be under the control of the common council, and shall be paid out upon the order of the mayor and recorder, duly authorized by a vote of the common council. Moneys out of the street improvement fund shall only be drawn out, upon orders upon such fund by virtue of a resolution of the common council. All orders shall be payable to the order of the person in whose favor they may be drawn, and they may be transferred by endorsement.

CHAPTER VI.

Sidewalks, ex-
penses of con-
struction.

SEC. 1. Whenever the common council of said city shall determine to construct or repair any sidewalk within the said city, they shall require the street commissioner to notify the owner or occupant of any lot adjoining such sidewalk, by publication in the official paper of said city for two weeks,

to make or repair the same at his own proper costs and charge. If such work is not done in the manner and within the time prescribed, the city council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expenses thereof shall be assessed upon such lots so chargeable, by the street commissioner, and the amount thereof with his report of such assessment returned to the city council; provided, that the expense of making, repairing and constructing street crossings shall be paid out of the street improvement fund of said city.

SEC. 2. It shall be the duty of said city council upon receiving any such report, to adopt, revise, correct or remand the same with instructions. Whenever such report is adopted, the city council shall, on or before the time by law required for reporting to the county auditor of Wabashaw county, the amount of tax levied on said city for that year; to certify to said auditor the amount of such assessment, with the amount assessed on each lot: and thereupon it shall be the duty of said auditor to insert the amount of said assessment in the next annual tax roll, and the same shall be collected in the same manner as other taxes upon real property.

Assessments
to be reported
to county treasurer.

SEC. 3. The costs and expense of surveying streets, alleys, sidewalks, sewers, drains, gutters, and estimating work thereon, and of repairing and cleaning streets, alleys, drains and gutters, and of constructing and repairing reservoirs, drains, gutters and main sewers, shall be paid out of the street improvement fund of said city. The cost of graveling, grading, planking, macadamizing or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement as far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. Provided, that, in all cases where improvements or work of any kind is chargeable by virtue of this section upon any lots as aforesaid, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the street improvement fund of said city, in proportion to the width of the street, alley or public grounds.

Streets, alleys,
&c., expenses
how paid.

SEC. 4. No grading, graveling, planking, macadamizing or paving of streets and alleys, to be done at the expense of the lots fronting such improvement, the expense of which is to be charged to such lots, shall be ordered by the common council except upon the petition in writing of a majority of the owners of the property residing on the line of the proposed improvement, and chargeable therewith, by a major-

Street improvements, how
ordered.

commissioners of Wabasha county have power or authority to extend the time for the payment of city taxes, or to remit any costs or penalties for nonpayment of same, without first reporting the same for the action and approval of said common council, who may approve, disapprove, or modify the action of said board of equalization, or of said board of county commissioners. *Provided*, that such disapproval or modification shall be made within twenty days after the same is proposed and submitted to said common council.

When tax paid
over by county
treasurer.

SEC. 3. The county treasurer of the county of Wabasha, shall pay over to the city treasurer for said city, all taxes by him collected belonging to said city, on the first Monday of each month next after such collections are made. And thereafter, whenever the said county treasurer shall pay over to the said city treasurer, any taxes belonging to said city, and collected under the levy provided for by said section one, he shall credit each of the said respective funds with its proportionate amount of each payment, according to the tax levy for such separate fund, and the same shall remain so credited, and shall not be paid out by said treasurer except in payment of such fund, for which said funds shall have been levied and collected. And no ordinance, resolution or order of said common council, or any committee thereof, or officer of said city, shall warrant or authorize said treasurer to divert any of said separate funds from the legitimate purposes for which the same were collected and credited as aforesaid, or to borrow or transfer any balance or portion of one of said funds to the credit of the other.

City funds under
control of
council.

SEC. 4. All funds in the city treasury shall be under the control of the common council, and shall be paid out upon the order of the mayor and recorder, duly authorized by a vote of the common council. Moneys out of the street improvement fund shall only be drawn out, upon orders upon such fund by virtue of a resolution of the common council. All orders shall be payable to the order of the person in whose favor they may be drawn, and they may be transferred by endorsement.

CHAPTER VI.

Sidewalks, ex-
penses of con-
struction.

SEC. 1. Whenever the common council of said city shall determine to construct or repair any sidewalk within the said city, they shall require the street commissioner to notify the owner or occupant of any lot adjoining such sidewalk, by publication in the official paper of said city for two weeks,

to make or repair the same at his own proper costs and charge. If such work is not done in the manner and within the time prescribed, the city council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expenses thereof shall be assessed upon such lots so chargeable, by the street commissioner, and the amount thereof with his report of such assessment returned to the city council; provided, that the expense of making, repairing and constructing street crossings shall be paid out of the street improvement fund of said city.

SEC. 2. It shall be the duty of said city council upon receiving any such report, to adopt, revise, correct or remand the same with instructions. Whenever such report is adopted, the city council shall, on or before the time by law required for reporting to the county auditor of Wabashaw county, the amount of tax levied on said city for that year; to certify to said auditor the amount of such assessment, with the amount assessed on each lot: and thereupon it shall be the duty of said auditor to insert the amount of said assessment in the next annual tax roll, and the same shall be collected in the same manner as other taxes upon real property.

Assessments
to be reported
to county treasurer.

SEC. 3. The costs and expense of surveying streets, alleys, sidewalks, sewers, drains, gutters, and estimating work thereon, and of repairing and cleaning streets, alleys, drains and gutters, and of constructing and repairing reservoirs, drains, gutters and main sewers, shall be paid out of the street improvement fund of said city. The cost of graveling, grading, planking, macadamizing or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement as far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. Provided, that, in all cases where improvements or work of any kind is chargeable by virtue of this section upon any lots as aforesaid, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the street improvement fund of said city, in proportion to the width of the street, alley or public grounds.

Streets, alleys,
&c., expenses
how paid.

SEC. 4. No grading, graveling, planking, macadamizing or paving of streets and alleys, to be done at the expense of the lots fronting such improvement, the expense of which is to be charged to such lots, shall be ordered by the common council except upon the petition in writing of a majority of the owners of the property residing on the line of the proposed improvement, and chargeable therewith, by a major-

Street improve-
ments, how
ordered.

ity of all the members of said council, and whenever the council shall thereon determine upon a public improvement under this section, they shall pass a resolution to that effect, and shall require the street commissioner with the assistance of the city surveyor, or some other competent surveyor, to be selected for that purpose by the council, to examine the premises and report an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owner's name if known, and the proportion of the expenses to be assessed to each lot, and in the case of grading a street or alley, a proper grade; and the council may adopt, revise, correct or remand the same with instructions.

Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the city surveyor or such other surveyor, and filed in the office of the city recorder for record. The city council may thereupon order said work to be placed under contract, upon such terms and under such regulations as they may deem advisable.

Assessments
for street im-
provements.

SEC. 5. When any work provided for in the preceding section shall be completed and the contract performed to the satisfaction of the common council, the city recorder of said city shall give notice by publication in the official paper of said city, for two weeks, that the expense thereof will be assessed upon the lots fronting such streets or alleys within the line of such improvement, in proportion to their fronts thereon. Any owner of, or person interested in any such lot or lots to be charged as aforesaid, feeling himself aggrieved by such assessment, may, before the expiration of the publication of such notice, file a petition with the city recorder, showing that his lot or lots so owned by him or in which he may be interested [have an interest], by reason of deep cutting or great filling, will not be benefited to the extent of the expense apportioned to such lot, and that such assessment, in his case, will be unequal and unjust, which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The city recorder shall thereupon require the city marshal to summon three disinterested freeholders of said city, not residing upon the street or alley whereupon such improvement is located, as commissioners, to attend at some convenient time and place, of which notice shall be given by publication in the official paper of said city, at least three days before the time appointed for such commissioners to meet.

At the time of meeting such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence, the city recorder shall require the city marshal forthwith to summon others to fill

the vacancy. Said commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in question, and shall have power to hear the parties and administer oaths and examine witnesses. It shall be their duty as early as possible, and within ten days from the time they entered upon their duties, to file in the office of the city recorder their decision in writing, accompanied by any testimony or proof, or the substance thereof taken before them, and shall in each case determine whether such assessment would be unequal and unjust, and whether and how much the same will exceed the benefit, and thereupon what abatement or exemption, if any, should be allowed.

Assessments
for street im-
provements.

The city recorder shall thereupon complete the assessment for such improvements, making the necessary abatements or exemptions in accordance with the report of the commissioners, and the amount deducted for such abatement shall be made up and charged to the street improvement fund of the city.

In case no petition as aforesaid is filed within the time aforesaid, it shall be the duty of the city recorder within ten days after the time designated by said council for assessing the expenses of such improvement, to complete such assessment, and in all cases such assessment when complete shall be returned to the common council, and the common council shall thereupon fix a time for the confirmation of the same, of which ten days notice shall be given in [the] official paper of the city. Upon the confirmation thereof, the amount of such assessment shall be reported to the county auditor of Wabashaw county, and assessed and collected in the same manner provided by section one of this act.

SEC. 6. The common council may cause to be established under the direction of the city surveyor, the grade of all streets, sidewalks and alleys, in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Wabasha county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade; *provided*, that in case of a change of an established grade shall be ordered by the common council, notice of such order shall be published in the official paper of the city, and any property holder feeling himself aggrieved by such order, may, within twenty days after the publication of such order, appeal therefrom to the district court of Wabasha county,

Street grades.
Highways, &c.,
under control
of council.

Street grades,
Highways, &c.,
under control
of council.

in the manner provided for appeals in section two of chapter six of this act. On the trial of such appeal such court shall have full power to determine the necessity or expediency of such proposed change of [grade], and all other questions involved in such appeal and such order of the common council shall not take effect until twenty days from its publication as aforesaid, nor pending such appeal; also the common council shall at as an early a time as practicable, direct the city surveyor to report a plan for a system of sewerage for said city. And said common council may take such course for a thorough examination of the said profile and plan as they may deem best; and may adopt such amendments or modifications of said profile as they may be advised will be necessary or proper, and may thereupon refer the said profile and plan to said surveyor to amend the same according to such amendments and modifications; or they may reject the said plan and profile, and appoint another surveyor to prepare the same if such new appointment shall be deemed best for the interest of said city. When the said plan and profile shall have been perfected to the satisfaction of said common council, they may by resolution adopt and establish the same, a certified copy of which resolution shall be recorded by the city recorder upon the plan and profile so adopted. The said plan and profile shall be filed in the office of the city recorder, and a certified copy thereof shall be filed in the office of the register of deeds for Wabasha county, for record, by the said surveyor, and said copy when recorded in said register's office, shall be filed in the office of the city surveyor for said city of Lake City.

The said original copy or record thereof shall be competent evidence of the adoption of said profile. The said plan and profile so established, shall not thereafter be vacated, altered or modified, (except for the purpose of extending the same as the necessities [of said city] may require,) except upon a resolution passed by a majority vote of all the members of said common council; and the same shall not be made without notice, and with like liability for damages occasioned by such change or alteration and with same right of appeal as in the case of alteration of street grades; *provided*, that a change of street grade under said charter shall include said change in such plan for sewerage, as may be necessary to make the same conform to such street grades.

CHAPTER VII.

Opening and vacating Streets, Alleys, etc.

SECTION 1.—The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded, to be kept open and in repair and free from nuisances.

Highways &c.,
under control
of council.

SEC. 2.—The common council of said city, by a vote of a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same. *Provided*, that whenever it shall be required to take private property for the purposes above stated, they shall proceed in the same manner hereinafter provided:

Streets to lay
out—proceed-
ings.

First.—The common council, upon ordering an improvement above mentioned to be made, shall appoint as many commissioners as [there] may be wards of said city, selecting one from each ward who shall be a disinterested freeholder and qualified voter of said city, to view the premises, and assess the damages which may be occasioned by the taking of private property or otherwise, in making said improvement. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office, at a time fixed by him, for the purpose of qualifying, and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars, and shall be liable to be prosecuted therefor, before the city justice of said city, as in the case of fines imposed for a violation of an ordinance of said city, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, selected from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy the common council shall fill such vacancy.

Second.—The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter, with impartiality and fidelity and to make due return of their actions and doings to the common council.

Third.—The said commissioners shall, with all reasonable speed, with the assistance of the city surveyor of said city, cause a survey and plat of the proposed improvement to be made and filed with the city recorder, exhibiting as far as

practicable, the lands or parcels of property required to be taken, or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said city, for at least ten days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises, and assess the damages for property to be taken, or which may be damaged by such improvement.

Streets to lay
out—proceed-
ings.

Fourth.—At the time and place appointed according to said notice the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day if necessary for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property [proposed] to be taken, or which may be damaged by said improvement, and in so doing shall take into consideration the value of [the] property proposed to be taken, with such other damages as may be incidental thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

Fifth.—If there should be any building standing in whole or part upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof in case such building or so much thereof as might be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building, and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

Sixth.—If the lands and buildings belong to different persons, or if the lands be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

Seventh.—The said commissioners having ascertained and assessed the damages aforesaid shall make and file with the city recorder, a written report to the common council, of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and the name of the owners if known to them, and also a statement of the costs of the proceeding.

Eighth.—Upon such report being filed in the office of the

city recorder, said city recorder shall give at least ten days notice, by publication in the official newspaper of said city to the effect that such assessment has been returned, and that the same will be confirmed by the common council, at a meeting thereof, to be named in such notice unless objections are made in writing, by persons interested in any land required to be taken. Any persons interested in buildings standing in whole or in part upon any land required to be taken by such improvement, shall, on or before the time specified in said notice notify the common council in writing of their election to remove such building according to the award of the commissioners. The common council upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power in their discretion, to confirm, revise, or annul the assessment, giving due consideration to any objections interposed by parties interested.

Streets to lay
out—proceed-
ings.

Ninth.—The damages assessed shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within six months from the confirmation of such assessments and report, and the land or property required to be taken for the purposes aforesaid, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city should be unable to determine to whom the damages in any particular [case] so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court of Wabasha county, in the same manner as moneys are paid into court until the parties entitled thereto shall substantiate their claim to the same.

Tenth.—In case any owner or owners of buildings as aforesaid, shall have elected in any manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said city, of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same, within the prescribed time, such buildings, or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking, in manner aforesaid,

may be then taken and appropriated, sold, or disposed of, as the common council shall direct, and the same, or the proceeds thereof, shall belong to said city.

Streets to lay
out—proceed-
ings.

Eleventh.—When any known owner of lands or tenements, affected by any proceeding under this act, shall be [an] infant, or labor under legal disability, the judge of the district court of Wabasha county, or in his absence, the judge of any court of record, may, upon application of said commissioners, or of said city, or such party, or his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served upon such guardian.

Twelfth.—Any person feeling himself aggrieved by such assessment, may, by notice in writing, served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county of Wabasha within twenty days from the time of the confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury, as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified, considered, and a transcript of such report, certified by the city recorder, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of such court shall be final. Such appeal shall be entered and brought on for trial, and be governed by the same rules in all other respects as appeals from justices of peace in civil suits.

Survey and
profile to be
filed.

SEC. 3. Whenever any public ground, street or alley, shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor, and also filed in the office of the registrar of deeds of the county of Wabasha.

When streets
may be vacated

SEC. 4. No public grounds, streets, alleys or highways within said city shall be vacated or discontinued by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways resident within the said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council [shall] thereupon, if they deem it

expedient that the matter should be proceeded with, order the petition to be filed of record with the city recorder who shall give notice by publication in the official newspaper of said city, for four weeks, at least once a week to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day or place therein specified not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose at the time and place appointed shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The common council thereupon after hearing the same, or upon the report of such committee, in favor of granting such petition may, by a resolution passed by a two-thirds vote of all the members elect, declare such public grounds, streets, alleys or highways, vacated which said resolution after the same shall go into effect, shall be published as in the case of ordinances and thereupon a transcript of such resolution duly certified by the city recorder, shall be filed for record and duly recorded in the office of the register of deeds in the county of Wabasha.

When streets
may be vacated

SEC. 5. Any person aggrieved thereby, may within twenty days after the publication thereof, appeal to the district court of Wabasha county, under the same regulations, as in the case of opening streets and alleys, and the judgment of the court shall be final.

Appeals, how
made.

SEC. 6. It shall be the duty of the city recorder to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in sections two and four of this chapter, said recorder shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report including all petitions, orders, and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the council, and the said record or a [certified] transcript thereof or the original papers, petitions, proofs of publication, orders or resolutions, on file in his office, shall be prima facie evidence of the facts therein contained, in any court in this state.

Record of pro-
ceedings to be
kept.

CHAPTER VIII.

Action to be in
corporate name
of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions for any violations of this act, or any of the by-laws, ordinances, or regulations of said city, shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace; *provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the city of Lake City, but in such cases a complaint shall be made which the justice shall reduce to writing, and the party be required to plead thereto, as to a warrant in other cases; and the person or persons so arrested, may be proceeded against in the same manner as if the arrest had been made by warrant. All process issued by the justice of the peace of said city, shall be directed to the marshal or any constable of said city. In all cases of the imposition of any fine or penalty by the justice of the peace of said city, for the violation of any ordinance or by-law of said city, or appellate court, the offender shall be forthwith committed to the city prison of said city, or if there be no such prison, to the common jail of Wabasha county, and be there imprisoned for a term not exceeding six months, in the discretion of the justice or such appellate court, unless the said fine or penalty be sooner paid, and from the time of the arrest of any person for any offence whatever until the time of his trial, he may be imprisoned in said city prison, or in case there be none, in the common jail of Wabasha county.

Appeals may
be taken.

SEC. 2. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinances, rules, by-laws or regulations passed in pursuance thereof, the same as in other cases arising under the general laws of this state; *provided*, that in all cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said city or its charter, or for any assault, battery, breach of the peace, or affray, not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed shall not exceed twenty dollars exclusive of costs.

Judgment may
be remitted.

SEC. 3. No judgment recovered in favor of the city shall be remitted or discharged, except by vote of four-fifths of the city council.

SEC. 4. No person shall be an incompetent judge, jus-

tice, witness or juror, or commissioner, by reason of his being an inhabitant of the city, in any action or proceeding in which the city shall be a party in interest.

Competency of citizens as jurors, &c.

SEC. 5. The following property, now or at any time hereafter, belonging to said city, or any of the wards thereof, shall be exempt from levy and sale under and by virtue of any execution: All engine houses, hook and ladder houses, together with the ground and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus, used by any company erected or authorized by the common council of said city; all market houses and the furniture thereof; city hall and furniture of common council rooms; pounds and the lots on which they are situated; and all school houses and the furniture thereof; *provided*, that nothing herein contained shall exempt any of the aforesaid real and personal property from levy or sale by [virtue of] any execution issued on judgments, rendered in favor of any person or persons, who may have furnished or sold any of such fire apparatus, to or on the credit of the city, nor shall any real or personal property of any of the inhabitants of said city, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, judgment, obligation or contract of said city.

Property exempt from levy and sale.

SEC. 6. All work for the city shall be let by contract to the lowest bidder therefor, and the council may require of the bidder a bond, with sureties for the faithful performance of the contract; and notice shall be given of the time and place of letting such contract, except in case the work to be done shall not exceed twenty-five dollars, or unless the said work shall be done under the direction and supervision of some officer of said city, or some person appointed by the city council for the aforesaid purpose.

Contracts, how made.

SEC. 7. If any election by the people for city officers, for any cause, shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending, and abolishing said corporation; but such election may be held upon any subsequent day; and if any of the duties enjoined by this act, as the ordinances, by-laws, rules or regulations of the city, to be done by any officer at any time specified, be not done or performed at that time, the common council may appoint another time at which the said acts may be done and performed.

Failure of election not to suspend corporation.

SEC. 8. The city may lease, purchase, and hold real or personal estate, sufficient for the convenience of the inhabitants and the due administration of the government of the

Power to purchase property for city purposes.

city, and may sell and convey the same at pleasure, and the same shall be free from taxation.

Repeal of any part of act to be by special clause. SEC. 9. No general laws of this state contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Deputy recorder. SEC. 10. The recorder of the said city of Lake City, is hereby authorized and empowered to appoint a deputy at any time, and shall be responsible for all acts performed by him, while in the discharge of his duties as such deputy.

First election. SEC. 11. The first election of officers for said city under this act shall be held on the first Tuesday of April, A. D. one thousand eight hundred and seventy-two, and the following persons, to-wit: Asa B. Doughty, Merrell Dwelle, Carlos Clement, are hereby authorized and empowered to designate and appoint three discreet and judicious persons in each ward to act as judges of election, and also to locate and provide a place in each ward for holding an election as aforesaid.

Remaining part of town-ship to be a new township. SEC. 12. All that part of the town of Lake City not embraced in the limits of said city of Lake City under this act, shall constitute and be a town by the name of _____ and shall have and possess all the authorities, rights and powers of towns under the laws of this state, and the first election of officers for said town shall be held at the time prescribed by law for the election of town officers, and the following persons, to-wit:

Are hereby authorized and empowered to act as judges of such election, and also to locate and provide a place for the holding of said election.

This act a public act. SEC. 13. This act is hereby declared to be a public act and may be read in evidence in all courts of law in this state without proof.

When act takes effect. SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER XVI.

*An Act to incorporate the village of Jordan, in the County of Scott, and State of Minnesota.*February 29,
1872.

SECTION 1. Boundaries.

2. Corporate powers and officers.
3. Duties of the treasurer.
4. Further duties of treasurer.
5. The village council—how constituted—powers.
6. Further powers of council.
7. Enactment of ordinances and their publication.
8. Prosecutions to be brought in the name of the village.
9. Fines and penalties to be a fund for expenses
10. Manner of electing officers
11. Judges of election.
12. Notice of annual elections.
13. Authority to vote on building a pound or lock-up and levying taxes therefor.
14. Authority to license vendors of liquors.
15. Justice of the peace and constables vested with the powers conferred by state laws.
16. Vacancies, how filled.
17. Provision for road districts and work thereon.
18. Taxes for bridges and highways, how expended?
19. Board of auditors
20. Duties of the board of auditors.
21. Further duties of the board of auditors.
22. Report to be read at the next ensuing election.
23. Payment of accounts.
24. Duties of the village justice.
25. Expense of building, grading, paving or repairing sidewalks.
26. Failure to build sidewalks, &c., proceedings.
27. Contracts for work to be let to lowest bidder.
28. Appropriations over \$50 to be by express vote of the citizens.
29. All moneys from fines, &c., to be paid to city treasurer.
30. Powers of the village council.
31. Special provision relating to bonds heretofore issued.
32. Relating to holding office.
33. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries.

SECTION 1. All that part of the township of Sand Creek, in the county of Scott, and state of Minnesota, included within the following described limits or boundaries, to-wit: The southeast quarter ($\frac{1}{4}$), and the northwest quarter ($\frac{1}{4}$); and the northeast quarter ($\frac{1}{4}$) (except fifty (50) acres on the north side, belonging to Frederick Callander) of section nineteen (19); and the southwest quarter ($\frac{1}{4}$) of section eighteen (18); and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section twenty (20), in township one hundred and fourteen (114), north of range twenty-three (23) west, shall be, and the same is hereby created a village by the name and style of "The Village of Jordan;" and the people who do now or hereafter may reside within the said village, are hereby created a corporation for municipal purposes with perpetual succession, under the name and style of the village of Jordan; and as such corporation shall possess and enjoy all the powers, rights and privileges which can now, or may hereafter be possessed and enjoyed by corporations for municipal purposes, under the constitution and laws of the state.

Corporate powers and officers.

SEC. 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace, and a constable, who shall hold their respective offices for one year, or until their successors are elected and qualified, and before entering upon the duties of their respective offices, they shall all [each] take an oath, or affirmation, to support the constitution and laws of the state of Minnesota; also an oath of office. The recorder shall act as treasurer, and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received, by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such accounts, together with his vouchers, to the village council, at its annual meeting, for adjustment, and shall deliver all books and property belonging to his office, and the balance of all moneys in his hands as such treasurer and recorder, to his successor in office, on demand, after such successor has qualified according to law.

Duties of treasurer.

SEC. 3. The treasurer shall from time to time, draw from the county treasurer such moneys as have been received by the county treasurer for the use of said village, and on receipt of such moneys he shall deliver proper vouchers therefor.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing of the moneys by him received into the village treasury from officers and other sources, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same, also to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment; he shall also state therein the amount of moneys remaining in his hands as treasurer; such statement shall be filed by him in his office for the inspection of any person, and shall be carefully preserved, and recorded in a book provided for that purpose.

Further duties
of treasurer.

SEC. 5.—The president, the three trustees, and recorder, shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce, and from time to time amend or appeal all such ordinances, rules and by-laws as they shall deem expedient, for the following purposes, to-wit:

Village council
—how consti-
tuted—powers.

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings as they shall deem expedient, at the expense of the owners of the lots or parts of lots respectively opposite and adjoining to such sidewalk or crossings.

Second.—To prevent riots, noise, disturbance of meetings or public assemblies whatever, to punish any person or persons who may be engaged in, or in any way connected with the same, and generally to promote and preserve good order and the public peace.

Third.—To prevent the encumbering of streets, sidewalks, lanes or alleys, with carriages, carts, wagons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding, distraining and sale of the same.

Fifth.—To prevent any person from bringing, depositing or having within the village, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon; or from any street, lane, public square or alley, and in default, to authorize the removal thereof, at the expense of such person so required to remove the same.

Village council
—powers.

Sixth.—To prevent open and notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

Seventh.—To prevent all persons from doing any damage to the sidewalks.

Eighth.—To direct the location and management of slaughter houses and markets in said village, and to regulate the sale, storage, conveying and keeping of gunpowder and other combustible materials.

Ninth.—To compel the owners, agents or lessees of any hog yard or hog pen, stable, privy, sewer, hide yard, slaughter house, markets, or any other unwholesome or nauseous house, or place, to clean, remove or abate the same from time to time as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Tenth.—To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, stacks and apparatus used in or about any building, and to cause the same to be placed in a safe condition, at the expense of the owner or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them into the street; to regulate and prevent the use of fireworks and firearms, and to establish such regulations for the prevention and extinguishment of fires as they may deem expedient; also to adopt such regulations as they may deem proper to prevent the introduction or spread of contagious diseases.

Eleventh.—To establish the grades of streets and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

Twelfth.—To license public showmen or exhibitions, billiard tables and bowling alleys.

Thirteenth.—To prevent and punish horse racing, immoderate driving in the streets, and to compel persons to fasten their horses or mules, attached to vehicles while in the streets, and to regulate the places of bathing and swimming in water in the limits of the said village.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them; and all such ordinances, rules and by-laws are hereby declared to have the force of law; *provided*, they are not repugnant to the constitution and laws of the United States and state of Minnesota. Fines, penal-

Further powers
of council.

ties and punishments may extend as follows, to-wit: fines not to exceed one hundred dollars, nor imprisonment to exceed thirty days in the county or village jail. Offenders may be required to give security for their good behavior, and to keep the peace for a period not exceeding one year, in a sum not exceeding five hundred dollars.

SEC. 7.—All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president or chairman, attested by the recorder, and published once in a newspaper published in said village, or posted conspicuously in three public places in said village, for ten days, before the same shall be in force, and shall be recorded in a book kept for that purpose.

Ordinances.

SEC. 8. All prosecutions for violating any of the ordinances, rules or by-laws, enacted under the provisions of this act, be shall brought in the name of the village of Jordan, and shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal or civil actions before justices of the peace; *provided*, no appeal shall be allowed in any case where the fine or penalty imposed is less than twenty dollars. The justice of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

Prosecutions
in name of
village.

SEC. 9. All fines and penalties imposed under, or by virtue of the provisions of this act, shall belong to the village of Jordan, and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

Fines and penalties to be
fund for expenses.

SEC. 10. Any five citizens, being freeholders within the corporate limits of said village, and having the qualifications of electors of members of the state legislature, may at any time call a meeting of the electors thereof to elect officers provided for in section two of this act, by posting a notice for ten days prior to the meeting, at the post office and at two more public places within the limits of said village, or by publishing the same for two weeks immediately preceding said election, in a paper published in said village, stating the object of the meeting, and the time and place of holding the same; and the electors present at the time and place may organize such meeting, by choosing, *viva voce*, two judges of election and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them; and said judges and clerk, being duly qualified, shall forthwith open the polls by proclamation, and conduct the election in the manner prescribed by the

Manner of electing officers.

statutes of Minnesota for the election of township officers; and the judges of election shall give to each person elected, a certificate of his election within five days after said election.

Judges of election.

SEC. 11. After the first election of officers the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the first Wednesday of April, in each year, at such place in said village as the council may direct, and the polls shall be open[ed] between the hours of ten and eleven o'clock in the forenoon and close at four o'clock in the afternoon of said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for that purpose, and within five days thereafter shall notify, in writing, the persons so elected, of their election.

Notice of annual election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers by posting a notice of the same fourteen days immediately prior to the day of election at the post office, and at three or more public places in said village, or by publishing it for two weeks immediately prior to said election in a paper published in said village, and may at any time call a special meeting of the electors of the village by posting or publishing a notice as provided in this section for the call of the annual meeting; *provided*, no subject or question shall be considered or acted upon at any annual or special meeting unless it has been clearly stated in the notice for the call of such meeting.

Pound or lock-up—levy of tax.

SEC. 13. The legal voters of said village may at any annual or special meeting, authorize the village council to levy a tax to build a pound, or to build a building or place for the confinement of persons arrested under the provisions of this act; and any such tax shall be levied and collected as prescribed by the statutes of this state for the levying and collecting of township taxes.

Authority to license vendors of liquors.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt, or fermented liquors, within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt, or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes; *provided*, that no license shall be granted for less

than twenty-five or more than fifty dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors, unless duly licensed by the village council of said village.

SEC. 15. The justice of the peace, and constable of said village shall have, and may exercise in addition to the power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected by the said township of Sand Creek. The village justice and constable shall take the same oath of office, and execute before entering upon the discharge of the[ir] duties as such officers, the same bonds, and file the bonds with the same parties, as justices of the peace and constables elected by said township of Sand Creek, are now, or may hereafter be required to do, and shall receive the same fees for their services as justices of the peace and constables elected by the said township of Sand Creek, are allowed under the statutes of this state, and the constable may at any time, under the direction of the president or a majority of the village council, call to his assistance any number of citizens, sufficient to aid him in the suppression of a riot, or any public disturbance, or to aid him in making arrests.

Justice of peace
and constables
--powers.

SEC. 16. Should a vacancy occur in any of the offices provided for in this act, the village council are hereby authorized to fill the same by appointment.

Vacancies, how
filled.

SEC. 17. The village of Jordan shall constitute one or more road districts, and the highway labor and taxes shall belong to the fund, and the trustees shall appoint an overseer of said road districts, and they shall issue a warrant to him containing the whole amount of labor and taxes assessed and levied in said district or districts, which said warrant shall be returned to the village recorder. The laws of the state shall apply to the warning, working, and suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects except as herein expressly provided. The trustees shall have full power to direct the overseer when, where, and how to expend such labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at any point beyond the limits of said village, and the trustees shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws ap-

Road districts.

plicable to supervisors of towns in levying highway taxes and labor.

Taxes for bridges and highways. SEC. 18. All taxes raised within the limits of said village for building bridges or public highways, or for repairing the same, shall be expended under the direction of the village council. *Provided* a village council is elected under the provisions of this act.

Board of auditors. SEC. 19. The village council shall constitute a village board of auditors for the purpose of auditing all accounts payable by said village; and the recorder shall be clerk of said board, and a member thereof.

Duties of board of auditors. SEC. 20. The said board of auditors shall meet annually on the Tuesday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing and settling all charges against the said village; and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same and the nature thereof.

Further duties of board of auditors. SEC. 21. Said board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account, and the name of the person to whom such account was allowed, including a statement of the fiscal concerns of the village.

Report to be read at next election. SEC. 22. Such report shall be produced and publicly read by the clerk of said board at the next ensuing village election; and the whole or a part of such report may be referred, by the order of the meeting, to a committee of three, whose duty it shall be to examine the report and report thereon to such meeting.

Payment of accounts. SEC. 23. The amounts of any account audited and allowed by the board of auditors, and the amount of any account voted to be allowed by any meeting of the voters of said village, shall be paid by the village treasurer on the order of said board, signed by the president and countersigned by the clerk of the said board; and all orders issued to any person by such board for any sum of money due from said village, shall be received in payment of village taxes of said village.

Duties of village justice. SEC. 24. The village justice shall report quarterly to the village council all the proceedings instituted before him in which the village is interested; and shall at the same time account for and pay over to the village treasurer, all fines and penalties collected by him [belonging] to said village; and said justice shall be entitled to receive from the county

of Scott, such fees in criminal cases, occurring without the village, as are allowed to other justices for similar purposes.

SEC. 25. The cost and expense of building, grading, paving, or repairing sidewalks shall be, at the option of the village council, chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village, they may notify all owners and occupants of any lot or lots, or parcel of land adjoining such sidewalks to construct or repair the same to [at] his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots, or parcels of land, or by publication in a newspaper printed and published in said village, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Sidewalks, expense of building, &c.

SEC. 26. If such work is not done and the said sidewalks not built or repaired in the manner and within the same time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks; and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them; and said assessment so made and returned, if approved by the council, shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

Failure to build sidewalks—proceedings.

SEC. 27. All the work of said village exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract, and every contract so made, shall be commenced within one week of the acceptance of the proposal, unless the village council otherwise determine; *provided*, that they shall have power to reject all unreasonable bids.

Contracts to be let to lowest bidder.

SEC. 28. No money shall be appropriated to any purpose whatever, except and not exceeding the sum of fifty dollars, unless it is expressly authorized by a vote of the legal voters in said village.

Appropriations to be by vote of citizens.

SEC. 29. All moneys arising from fines, commutations, licenses &c., shall be paid into the village treasury.

Moneys from fines, &c., paid to treasurer.

SEC. 30. The village council shall have power and authority,—

Powers of council.

First—To regulate the place and manner of selling, and to provide for the inspection and weight of hay and coal, and measuring of charcoal, firewood and other fuel, and to

appoint suitable persons to inspect, superintend and conduct the same.

Powers of
council.

Second—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, alleys, opposite thereto; and in their default, by some officer of the village at the expense of such owners or occupants.

Third—To regulate and license public auctions or vendues.

Fourth—To provide by ordinance for a standard of weights and measures, and the appointment of a village scaler; and to provide for the punishment for the use of false weights and measures.

Relating to
bonds hereto-
fore issued.

SEC. 31. The said village of Jordan shall be liable for its proportionate share of principal and interest of any bonds or other indebtedness which has been or may be voted or incurred by the township of Sand Creek, for any purpose whatever, prior to the time when this act shall take effect or be enforced.

Relating to
holding office.

SEC. 32. Nothing in this act shall be taken or construed so as to prohibit any inhabitant of said village from holding any town office for the township of Sand Creek, nor to prohibit any inhabitant who has been elected to any town office from serving out his unexpired term of office.

When act takes
effect.

SEC. 33. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER XVII.

*An Act to amend the charter of the city of Wabashaw.*February 26,
1872.

SECTION 1. Amendment to section two of chapter seven of the city charter of Wabashaw, relating to a capitation or poll tax.

2. Amendment to subdivision nine of section one of chapter six, relating to the licensing of dogs.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two (2) of chapter seven (7) of the charter of the city of Wabashaw, approved March fifth (5), A. D. one thousand eight hundred and sixty-nine (1869), be amended so as to read as follows: That every qualified voter in the city of Wabashaw shall annually pay a capitation or poll tax of one dollar in cash which shall be paid to the street commissioners, on demand, between the first (1) day of May and the first (1) day of June in each and every year; and the same shall be expended under the direction of the street commissioners upon the highways, streets, alleys or bridges, within the limits of the city of Wabashaw.

Capitation or
poll tax.

SEC. 2. That subdivision nine (9) of section one (1) of chapter six (6) of said charter be amended so as to read as follows: To regulate and license the keeping of dogs; to prohibit the running at large of dogs without a license; to impose fines upon the owners and keepers of dogs, and to authorize the destruction of dogs when at large without being licensed, or contrary to any ordinance of the city of Wabashaw.

Licensing dogs

SEC. 3. That this act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 26, 1872.

CHAPTER XVIII.

February 29,
1872.

An Act to amend Section Two Chapter Eight, Special Laws for one thousand eight hundred and sixty-nine, relating to the village charter of Lanesboro.

- SECTION 1. Amendment to the village charter of Lanesboro, relating to the election of officers of the village
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Election of
officers.

SECTION 1. That section two (2), chapter eight (8), of the special laws of one thousand eight hundred and sixty-nine (1869), be amended so as to read as follows:

Section 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, may elect a president, three (3) trustees, a recorder, a treasurer, a justice of the peace and a constable, who shall hold their respective offices for one (1) year, or until their successors are elected and qualified; and before entering upon the duties of their respective offices, shall take an oath (or affirmation) to support the constitution of the state of Minnesota; also an oath of office. The treasurer shall give such bonds as the village council may require.

When act to
take effect.

SEC. 3(2). This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XIX.

An Act to amend Chapter Thirty of the Special Laws of eighteen hundred and sixty-eight, relating to the village of Brownsville.

February 26,
1872.

- SECTION 1. Amendment to Section 5, relating to town officers.
 2. Amendment to Section 4, relating to official bonds.
 3. Amendment to Section 16, relating to the village trustees.
 4. Amendment to Section 25, relating to street improvements.
 5. Amendment to Section 39, relating to the levy of a corporation tax.
 6. Amendment to Section 40, relating to tax duplicate.
 7. Amendment to Section 41, relating to the collection of taxes.
 8. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section five of said chapter thirty of the special laws of eighteen hundred and sixty eight, be and the same is hereby amended so as to read as follows:

Relating to
town officers.

Sec. 5. Any vacancy in the office of any of the elective offices [officers] of said corporation, may be filled by appointment of the village council, except vacancies in the office of police justice and justices of the peace, which vacancies shall be filled by election; all other officers provided for in this act, and not specified in the preceding section, shall be appointed by the president and trustees of the village, and shall hold their respective offices during the term for which said trustees are elected, and shall be subject to removal by said president and trustees.

Sec. 2. That section fourteen of said chapter thirty, be and the same is hereby amended so as to read as follows:

Sec. 14. That the treasurer, recorder, marshal and constable of said village, before entering upon the duties of their respective offices, shall severally give bonds to the president and trustees of the village, for the faithful performance of the duties of their respective offices, in sums not less than five hundred dollars, nor more than ten thousand dollars, with such conditions and with such good and sufficient sure-

Relating to
official bonds.

ties, as said trustees or a majority of them shall direct, all of which sureties in said bonds, shall be residents of Houston county aforesaid, and shall each be worth, in real estate in his own name, located and recorded in some county of this state, double the amount of the penal sum expressed in the bond in which he is surety, and each shall justify to that effect; all of which bonds shall be for the benefit of said village and for any person or persons who may have been aggrieved by the neglect or willful misconduct of any of said officers in their official acts and duties. All other officers of said village, excepting the president and trustees, shall severally give bonds to the trustees, in such sums and with such conditions, and with such sureties as said trustees or a majority of them may direct; and all bonds given under the provisions of this act, shall be filed with the recorder of the village, and by him be recorded in a book provided by the village and kept for that purpose *only*; for which recording he shall be paid out of the treasury of the village, the sum of fifteen cents a folio.

Relating to village trustees

SEC. 3. That section sixteen of said chapter thirty, be and the same is hereby amended, so as to read as follows:

SEC. 16. The president and recorder of the village, shall each be *ex-officio* a trustee of the village, and shall each have a vote upon all questions before the council; the president, recorder and trustees shall constitute the council of the village, any three of whom shall form a quorum for the transaction of any business pertaining to their duties. The president shall preside at all meetings of the trustees, shall sign all orders, all ordinances, commissions, licenses and permits which may be granted by the trustees; he shall also maintain peace and good order and see that the ordinances of the village, are obeyed and executed.

Relating to street improvements.

SEC. 4. That the fifteenth subdivision of section twenty-five of said chapter thirty, be and the same is hereby amended so as to read as follows:

Fifteenth.—To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, alleys, sewers and sidewalks and to keep and protect them from injury; to regulate and control all public squares, public levees, streets and grounds of said village; to let and lease the same for the benefit of said village, upon such terms and conditions as the trustees shall direct; but in no case shall the letting or leasing of said streets, squares or levees be for a longer time than one year.

SEC. 5. That section thirty-nine of said chapter thirty, be and the same is hereby amended, so as to read as follows:

Section 39. The president and trustees of the village,

shall, on or before the second Monday of August in each and every year, by resolution entered upon their records, determine the amount of such corporation tax to be levied and assessed upon the taxable property of the village for the current year, and thereupon, and on or before the third Monday of the same month in each year, the recorder of the village shall make out upon the assessment roll of the village, in columns left for that purpose, a complete statement of the several taxes levied under any of the provisions of this act, in such separate columns as may be necessary, with the total footings carried out, opposite to each tract or lot of land or person named therein, which statement shall be the *tax list* of the village of Brownsville, and shall constitute a part of the records of the village.

Relating to the
levy of a corpo-
ration tax.

SEC. 6. That section forty of said chapter thirty, be and the same is hereby amended so as to read as follows:

Relating to tax
duplicate.

Section 40. Immediately after the making out of the tax list aforesaid, the recorder shall make out a duplicate thereof, and an order approving the same shall be entered in the proceedings of the council; and a certified copy of such order shall be appended to such duplicate tax list, signed by the president and recorder, and sealed with the corporate seal of the village; and thereafter, and on or before the first Monday of December of the same year, the recorder of the village shall deliver said duplicate tax list to the treasurer of the village for collection.

SEC. 7. That section forty-one of said chapter thirty, be and the same is hereby amended so as to read as follows:

Relating to the
collection of
taxes.

Section 41. The treasurer of the village, upon the reception of said duplicate tax list, shall proceed to collect the taxes therein specified in like manner, and shall have the same powers and be subject to the same requirements, liabilities and restrictions as county treasurers in this state, except as otherwise provided in this act; and except further that on or before the fifteenth day of February in each year, the said village treasurer shall make out and return to the treasurer of Houston county aforesaid, a list of lands and lots upon which taxes have not been paid, and it is hereby made the duty of said county treasurer to proceed and collect such delinquent taxes so returned in the same manner provided by law for the collection of delinquent taxes upon real estate in this state, and to add to such delinquent returns, the same interest, penalties and fees as are now or may hereafter be allowed or required by the laws of this state upon delinquent taxes upon real estate assessed and levied for town, county and state purposes; and from time to time, upon demand of said village treasurer, to pay

over to said village treasurer any and all sums of money collected upon said delinquent list, or lists for the use of said village; and any officer or person who shall neglect or refuse on demand of said village treasurer, to pay over to said treasurer any such corporation tax collected or received by him shall be liable to an action therefor with twenty-five per cent. damages added thereto, to be sued for and recovered in the corporate name of the village, [both] against such defaulting officer and his sureties or other persons.

When act to
take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER XX.

February 24,
1872.

An Act to Amend an Act entitled An Act to Incorporate the Town of Freeborn. Approved August twelfth, one thousand eight hundred and fifty-eight.

SECTION 1. Amendment to change town to village, and to amend Sections 5, 6, 7, 8, 9 and 10.

Sec. 5. Relating to corporate powers.

Sec. 6. The village council and duties of its officers.

Sec. 7. Authorizes a tax levy for corporation purposes.

Sec. 8. Tax levy to be collected by the county officers.

Sec. 9. Books &c., to be delivered to successors.

Sec. 10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

To change town
to village, and
to amend Secs.
5, 6, 7, 8, 9 and
10.

SECTION 1. That wherever the word town occurs in said act, it shall read village. And that sections five (5), six (6), seven, (7), eight (8), nine and ten (10) of said act shall read as follows:

Relating to cor-
porate powers.

Section 5. The president, trustees and secretary of said town shall be and are hereby created a body corporate and politic, with perpetual succession, to be known by the name and title of the village of Freeborn, and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said

village. They may have a common seal and may alter and amend it at pleasure; may sue and be sued, defend and be defended in all courts of law and equity, and when any suit shall be commenced against said village, the first process shall be served [by leaving an] attested copy thereof with the secretary at least twenty (20) days previous to the return day of such process. The officers of said village shall have a right to action against all trespassers on any of the streets, alleys or public grounds of said village.

Section 6. The president shall preside (if present) at all the meetings of said council, but in his absence the trustees may appoint one of their number president, *pro tempore*. The secretary shall make a fair and accurate record of the proceedings of said council, and of the by-laws, rules and ordinances made or passed by said council, and the same shall be open for the inspection of the electors of said village. In case of the absence of the secretary the board may fill the vacancy from their own number. The village council aforesaid shall have power to make, ordain and establish by-laws and ordinances for the government of said village, provided, that no such laws and ordinances shall conflict with the laws of the United States or of this state; and to fix reasonable fines and penalties for the violation of such by-laws and ordinances. To provide for the election of such other officers as may be necessary, and their compensation. To regulate and improve the streets, alleys and public grounds, determine the width of sidewalks, remove all obstructions and nuisances, and do all things which may be necessary in order to provide for the health, security, and good order of said village.

Village council
and duties of
its officers.

Section 7. For the purpose of enabling the said council to carry into effect the provisions of this act, they are hereby authorized and empowered to assess a tax on all the taxable property within the limits of said corporation, which tax shall not in any case exceed the sum of five hundred (500) dollars in any one year.

Tax levy for
corporate pur-
poses.

Section 8. Whenever the council shall determine to raise a tax, they shall cause the secretary to certify to the county auditor the amount so to be raised, who shall cause the same to be carried out on the tax roll and collected in the same manner as other town, county and school taxes are collected. Such tax to be paid over to the village treasurer as other taxes are paid over to school district and town treasurers.

Tax levy to be
collected by the
county officers.

Section 9. The president, secretary and all other officers of said town shall, on demand, deliver to their successors in office all books, papers or other property belonging to said town.

Books &c., to
be delivered to
successors.

When act to
take effect.

Section 10. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER XXI

February 29,
1872.

An Act to amend an Act entitled "An Act to incorporate the village of Kasson."

- SECTION 1. Amendment to section one of chapter two of the act to incorporate the village of Kasson.
2. Additional subdivisions added to said section.
 3. Amendment to section 11 of chapter 3.
 4. Addition of another chapter to said act, relating to the powers of the common council.
 5. When act to take effect.

Amendment to
incorporate the
village.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That subdivision third of section one, chapter two of said act be amended so as to read as follows:

"To prevent any riots, noise, disturbance or disorderly assemblages in said village."

That subdivision eleventh of said section be amended so as to read as follows:

"To make and establish public pounds, pumps, wells, cisterns, hydrants, and reservoirs, and to establish, construct and maintain sewers."

That subdivision fifteenth of said section be amended so as to read as follows:

"To prevent drunkenness or obscenity in the streets or public places of said village."

SEC. 2. That the following subdivisions be added to said section one of chapter two of said act.

"Twenty-seventh.—To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercises, to provide all necessary apparatus for the extinguishment of fires, to require the

owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets after reasonable notice, the common council may procure and deliver the same to him, and in default of payment therefor may recover of such owner the value of said ladders or fire buckets, or both, with costs of suit; to regulate and direct the safe construction of places for the deposit of ashes, to direct the fire wardens to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition and to cause such as they deem dangerous to be put in a safe condition; to regulate the manner of putting up stovepipes; to prevent fires and the use of fireworks and firearms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of fires as shall be directed by the common council or any three of them who may be at the fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by [the] corporation; to construct and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Amendment to incorporate the village.

SEC. 3. That section eleven of chapter three be amended so as to read as follows:

If said assessment be not paid to the street commissioner, or the village of Kasson, on or before the twentieth day of August in any year, the common council shall cause a statement of the same, with twenty-five per cent. additional thereto, to be transmitted with the village taxes levied for that year to the auditor of the county.

Amendment.

SEC. 4. That the following chapter be added to the charter of the said village of Kasson.

CHAPTER IV.

SECTION 1. The common council shall have power to appoint and at their pleasure remove the following officers, to-wit: one chief engineer of the fire department, two fire wardens, one pound master and one jailor, and they may prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties as to said common council may seem proper

Powers of the council.

Powers of the
council.

for any malfeasance or any improper conduct of any of said officers, and may require bonds satisfactory to themselves for the faithful performance of the duties of any of them, or any such of them as may be deemed expedient and necessary by said common council.

SEC. 2. The common council shall have power to establish a fire limit within the village of Kasson, and within the fire limit so established shall have power to regulate the erection of buildings and provide for the kind of material to be used, and to prohibit the use of such material in the erection of buildings within said limit as shall be deemed proper to prevent fires.

The common council shall have power within said limit, to remove buildings erected in violation of any ordinance or [by-] law passed in pursuance of this act, and to punish the violation of the same by fine or imprisonment.

SEC. 3. The common council shall have power to establish a prison for the use of the village of Kasson, which shall be used as a place of imprisonment, and in all cases in which imprisonment is authorized, or it shall be optional with the justice of the peace before whom any person is convicted, to commit him to the county jail used by the county of Dodge; in such case the commitment shall be in the same form as nearly as may be as is pursued under the general law in cases of conviction before justices of the peace, and the prisoner shall be received and placed in the jail the same as though the conviction had taken place under the general law of the state. The jailor shall receive and detain the prisoner in like manner as though he had been convicted by a justice of the peace in and for Dodge county under the general law of the state.

SEC. 4. In all prosecutions for any violation of the charter of the village of Kasson, or any amendments thereto, or of any by-law or ordinance of said village of Kasson, the first process shall be a warrant; *provided*, that no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the village of Kasson, but the person or persons so arrested may be proceeded against, tried convicted and punished or discharged in the same manner as if the arrest had been by warrant. All warrants, process of writs by the village justice, for violation of any ordinance or by-law of said village shall run in the name of the village of Kasson, and shall be directed to the sheriff or any constable of the county of Dodge, and may be executed or served by the constable elected under the

provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff and constable shall have and possess the power and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs, and other proceedings issued by the justices of the peace elected under such general laws.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER XXII.

An Act to legalize the Amended Plat of the Town of Warsaw, in the County of Rice and the filing of the same.

February 26,
1872.

SECTION 1. Amended plat of town legalized.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the amended plat in the town of Warsaw in the county of Rice, authorized by special act approved February 19, 1862, and filed of record in the office of the register of deeds for said county of Rice, on the 3d day of January, A. D. 1870, at 2 o'clock p. m., and the filing of the same of record is hereby legalized and made valid; and the rights of property of all persons owning lots or in any way interested therein on said town plat shall be deemed and held to be in accordance with said amended plat instead of the original plat of said town, and said rights are hereby confirmed in accordance with said amended plat.

Amended plat
of town legal-
ized.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

February 26,
1873.

CHAPTER XXIII.

An Act to Amend the Charter of the Borough of Henderson, in the County of Sibley.

- SECTION 1. Amendment to the act to incorporate the borough of Henderson, by striking out the word "constable" and inserting "marshal."
2. Amendment to section 9 relating to borough justice.
 3. Amendment to section 10 relating to the duties of marshal.
 4. Amendment to section 18, relating to the powers of the council.
 5. Amendment to section 20, relating to expense of laying out streets, &c.
 6. Amendment to section 25, relating to actions to recover penalties, &c.
 7. Repeal of acts inconsistent with this act.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. An act to incorporate the borough of Henderson, in the county of Sibley, as amended and approved January the twenty-third (23), one thousand eight hundred and sixty-six (1866), and March the eighth (8), one thousand eight hundred and sixty-seven (1867), and March the sixth (6), one thousand eight hundred and sixty-eight (1868), is hereby amended as follows:

Striking out
the word
constable and
inserting the
word marshal.

That the word "constable," where the same appears in the above act be stricken out and the word "marshal" inserted in lieu thereof.

SEC. 2. That section nine of the same act, is hereby amended so as to read as follows:

Borough
justice.

Sec. 9. The borough justice shall have all the authority, rights and powers of justices of the peace under the general laws of this state, and both civil and criminal jurisdiction, and in addition thereto shall have sole and exclusive jurisdiction to hear all complaints, examinations and trials, civil and criminal, arising within the limits of the borough of Henderson cognizable before a justice of the peace in which the said borough of Henderson shall be a party, and of all suits, actions, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty under any by-laws, ordinances or regulations of said borough, and in case of absence, sickness, or inability of said justice, the council, on recommendation of

the mayor, may authorize any other justice of the peace in the county of Sibley, to perform the duties of such borough justice.

SEC. 3. That section ten (10) of said act is hereby amended so as to read as follows:

SEC. 10. The marshal of said borough shall have the powers and authority at law and under the statutes as constables. He shall by virtue of his office be the keeper of the public pound, and by ordinance may be required to perform the duties incident thereto. He shall be a conservator of the peace, and for all services shall receive such fees as may be established by ordinance. He shall also perform such duties as may be required of him by ordinance of said council. And he may appoint one or more deputies, but he shall be responsible for all acts performed by them whilst in the discharge of the duties as such deputies.

Duties of marshal.

SEC. 4. To amend section eighteen of that act by adding the following:

1. The said council, by ordinance, may punish by fine or imprisonment, or both, any violation of the public peace, keepers of unlicensed saloons, gamblers, persons without occupation having no visible means of support, and all disorderly or intoxicated persons found in any street, alley, stores, saloons or other public places.

Powers of the council.

2. The borough council shall have exclusive jurisdiction over highways in said borough; and in laying out, widening, or altering any street, alley, highways or public ground in said borough, the council shall appoint by resolution three disinterested persons who shall act as commissioners, and in all things be governed by the laws of this state, respecting the laying out, altering and discontinuance of highways, as prescribed by the laws of this state, respecting the same and reserving to the aggrieved party his right of appeal first to the council; second, to the district court of said county; *provided*, no property shall be taken without payment or tender of payment of the damages assessed by said commissioners to the owners of any property so taken for the laying out, or altering such street, alley or highways.

Council to have control over highways, &c.

3. The sale of all intoxicating, vinous, spirituous, malt or fermented liquors within the limits of said borough, is hereby declared to be under the exclusive control of the council of said borough, and all fines imposed for a violation of any ordinances regulating such traffic shall be paid into the treasury of the borough for the use thereof.

Sale of liquors under control of council.

SEC. 5. That section twenty of that act is hereby amended so as to read as follows:

Expense of
laying out
streets, &c.

Sec. 20. The costs and expenses of opening, altering, grading, or laying out of any highway, street alley, or public grounds, and the repairing of the same, and also the building and repairing of bridges, levees, and the regulation of brooks and creeks running through the borough, [shall be paid out of the general fund of the borough.] But all costs and expenses of building and repairing sidewalks, if such building or repairing have been ordered by the council shall be paid by the owners of lots fronting said sidewalks.

Sec. 6. That section twenty-five of that act be amended so as to read as follows:

Actions to re-
cover penalties

Sec. 25. All actions brought to recover any penalty or forfeiture under this act, or the ordinance of this borough, shall be brought in the corporate name thereof. All prosecutions shall be commenced by warrant upon verified complaint, as required by law. *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons in the act of violating any law of the state of Minnesota, or ordinance of the borough, but in such case a complaint shall be made which the justice shall reduce to writing, and the party so arrested shall be required to plead thereto, as to a warrant in other cases, and such party shall be proceeded against as in other cases; all process shall be directed to the marshal of the borough, but may be served by any officer authorized by law to serve process in the county. In case of the nonpayment of any fine imposed by said justice, for the violation of any laws of the state, or any ordinances of the borough, the justice or appellate court may commit the defendant to the common jail of Sibley county, for the term not exceeding three months; and if there be no county jail, then the general laws of this state shall apply in such cases, and the defendant shall be dealt with according to them, in the matter of imprisonment. The expenses thereof shall be defrayed by the borough. Appeals shall be allowed in all cases of conviction under the ordinances of said borough, saving when the fine shall not exceed ten dollars and costs.

Repeal of in-
consistent acts

Sec. 7. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect and be in forec from and after its passage.

Approved February 26, 1872.

CHAPTER XVII.

*An Act to incorporate the village of Litchfield.*February 29,
1872.

CHAPTER I.

SECTION 1. Boundary lines of said village—corporate powers.

2. Elective officers—term of office.
3. To take oath of office conditioned for faithful performance of duties—who to give bonds in addition to oath—in what sum.
4. Who to compose the common council—style of all ordinances—when council to meet—what to constitute a quorum—who to preside at the meetings of the council—duty of the recorder.
5. Powers of the president of the council.
6. Duties of recorder.
7. Duties of treasurer.
8. Jurisdiction of justices of the peace—when to report to common council—what to contain—what cases not appealable—fees of justices of the peace.
9. Duties of constable.
10. Annual election—when held—length of time polls to be open—notice to be given of time and place of holding election—who to be judge of election—votes how canvassed—when first election to be held under the provisions of this act.
11. Vacancies, how filled.

CHAPTER II.

SECTION 1. Council to have control and management of the finances—further powers of the council.

2. All laws, ordinances, &c., passed by the council to be published in the official paper before the same shall be in force.
3. What to be deemed common nuisances.
4. Council to examine and adjust the accounts.

CHAPTER III.

SECTION 1. All actions shall be brought in the corporate name of the village.

2. In what cases shall warrant be issued—what cases warrant not to be issued.
3. Powers of chief of police and subordinates.
4. Previous act to remain in force until altered, modified or repealed.
5. In case suit brought against said village papers to be served on recorder.
6. No laws shall be considered repealing or modifying the same unless expressly set forth in the same.
7. The sale of intoxicating liquors under the control of the council.
8. Council may open, lay out and vacate streets, &c., in conformity to the general laws of this state.
9. Expense of constructing sidewalks—how paid.

18. Duty of common council if sidewalks are not constructed or repaired by owners of land adjoining said sidewalk—duty of street commissioner.
11. When common council to transmit statement of taxes to county auditor—duty of county auditor.
12. Common council to establish width of sidewalk.
13. What property subject to taxation.
14. Further powers of council.
15. Manner of assessing and collecting taxes, how provided.
16. How actions may be brought to recover fines and penalties.
17. Said village to continue to be a part of the town of Mantorville.
18. Corporate powers of said village.
19. Repeal of inconsistent acts.
20. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundary lines
—corporate
rights.

SECTION 1. That all the territory embraced in the following boundaries to-wit: The east half ($e\frac{1}{2}$) and east half of southwest quarter ($e\frac{1}{2}sw\frac{1}{4}$) of section eleven (11), the west half southwest quarter ($w\frac{1}{2}sw\frac{1}{4}$) of section twelve (12) and north half of northeast quarter [$n\frac{1}{2}ne\frac{1}{4}$] of section fourteen (14), of township one hundred and nineteen (119), range thirty-one (31), Meeker county, Minnesota, shall be known as the village of Litchfield, and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted; and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity and may have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real and personal estate within or without the limits thereof as the purposes of the village may require.

Elective officers—term of office.

SEC. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one attorney, one treasurer, one justice of the peace and one constable, and shall each, except the justice of the peace, hold their respective offices for the term of one year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years, and until his successor is elected and qualified. In addition to the above mentioned officers, the common council shall have power to appoint and define the duties of such other officers as to said common council may seem necessary. *Provided*, that when a member of the common council holds any appointed office, he shall not vote upon any question involving his action as such appointed officer. *Provided further*, that the president,

trustees and treasurer of said common council shall not receive any salary or compensation whatever for services as officers of the common council of the village of Litchfield.

SEC. 3. Each officer before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same, to the recorder of said village, and shall take and subscribe before some officer by law authorized to administer oaths, an oath of office, to support the constitution of the United States, the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office, in accordance with the law and the ordinances of said village, And in addition thereto, the treasurer, recorder, justice of the peace and constable shall each give bond in sum not less than two hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

Officers to take
oath and give
bonds.

SEC. 4. That the president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. All actions of the council intended to have the force of rules or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the common council of the village of Litchfield," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in three months, and a majority thereof shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the common council, but in case of his absence, the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by the vote of the majority of all the members of the common council. A record, in book form, shall be kept by the recorder, in which he shall record all the proceedings of the common council, and ayes and noes on every ordinance voted upon shall be entered therein.

Style of ordin-
ances—when &
where to meet
quorum—who
to preside over
council—duty
of recorder.

SEC. 5. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in, or must from their nature necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the common council. He shall have power, and it shall be his duty to call out and use in such manner as may seem most proper, all the constabulary or police of

Powers of pres-
ident of coun-
cil.

said corporation when he may deem it necessary to quiet or prevent riot. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

Duties of
recorder.

SEC. 6. That the recorder shall be the recording officer of the village, and of the common council. He shall have the custody of the seal of said corporation, and all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith, and taking his receipt therefor. He shall the keep all accounts of the corporation, receive all claims against the same, and draw orders upon the treasury for moneys payable by said corporation, but no such order shall ever be drawn by said recorder, unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed by the common council. He shall also make to the common council at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and he shall with all reasonable dispatch make such other reports, and at such times as the common council shall require.

Duties of
treasurer.

SEC. 7. That the treasurer shall be the depository of all moneys belonging to said corporation. He shall from such moneys pay upon presentation, all orders therefor drawn by the recorder and countersigned by the president; *provided*, that no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee thereon, and the party receiving the money therefor.

Attorney

SEC. 8. That the attorney shall be the legal advisor of the officers and council of said corporation in all matters relating to their official duties, and he shall render such legal council to them, or any of them, whenever, but only when the application therefor is made in writing, signed by the applicant, which writing shall contain the points upon which said council is asked, and all opinions by him shall be made in writing, copies of which, together with the original application therefor, shall be preserved in his office, and delivered by him to his successor in office. He shall be and act as the attorney of said corporation, in all actions to which said corporation may be a party.

The justice of the peace provided for and elected under

the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto, shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the village of Litchfield, and the same proceeding shall be had in all civil and criminal suits or prosecutions, before said justice when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by, or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of [the] said village, shall be promptly paid by said justice to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice's court be held and deemed to be public law. The justice of the peace shall at least one in three months, make to the common council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Litchfield, under the general laws of the state and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore prescribed for the justices of the peace, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten dollars. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws

Jurisdiction of
Justices of the
peace—to make
report to coun-
cil—what to
contain.

Fees of justices of the state for justices of the peace. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Meeker, and may be executed or served by the constable elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff and constables shall have and possess the power and authority, which, by the general laws of the state, they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

Duties of constable. SEC. 9 The constable elected under the provisions of this act, shall be the ministerial officer of the council, and shall have and possess all the powers belonging to the constables elected under the general laws of the state, and his compensation, except as in section ten, of chapter first, of this act is otherwise provided, shall be fixed by ordinance of the council; and said constable shall within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state. He shall also be chief of the police force of said village, but as such shall be subordinate to the president.

Annual election when held—notice to be given.

SEC. 10. There shall be an annual election for elective officers herein provided for, on the first Monday in April in each and every year, and the polls shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such election, and the officers to be elected, by posting notices thereof in three of the most public places in the village. At the said elections the trustees, or any two of them, shall act as judges of election, and the recorder as clerk of election, and in case of inability or non-attendance of any of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present, by one of the judges, and the recorder shall make true record thereof, and within five days thereafter, he shall give notice in writing to the persons so elected of their election. The first election under the provisions of this act shall be held on the first Monday in April, A. D. one thousand eight hundred and seventy-two, and shall be conducted by J. V. Branham, Jr., Michael Flynn, and Nels Swanson, with power of appointment and substitution in case of absence.

SEC. 11. Whenever a vacancy shall occur in any elective

office, such vacancy shall be filled by a new election, which shall be ordered by the common council, and notice of the time and place of holding such election shall be given as hereinbefore provided for other elections. Any person elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

Vacancies how filled.

CHAPTER II.

SECTION 1. The common council shall have the management and control of the finances and all the property of the corporation, and shall also in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws, and regulations for government and good order of the village, for the suppression of vice and intemperance and for the prevention of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties, and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule, by-law or regulation passed and ordained by them; and all such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law. *Provided*, That they be not repugnant to the constitution of the United States or of this State, and for those purposes shall have authority by ordinances, rules, by-laws or regulations—

Who to control finances—further powers of council.

First.—To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts, or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Powers of council.

Second.—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing with cards, dice, or other games of chance, for the purpose of gaming in said village, and to restrain any persons from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses or groceries, and houses of ill fame, and to provide for the arrest and punishment of the keepers thereof, and to author

ize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth.—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawn-brokers.

Fifth.—To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other material or substances whatever.

Seventh.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to restrain their horses or other animals attached to vehicles or otherwise, while standing in the streets; and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth.—To restrain the running at large of cattle, horses, swine, sheep, poultry, and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large, contrary to ordinance.

Tenth.—To prevent any person from bringing, depositing or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants.

Twelfth.—To establish and regulate boards of health, and provide hospitals and hospital grounds.

Thirteenth.—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said village, or in any way doing any damages to such sidewalks.

Fourteenth.—To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the town, or any property therein, or annoying any citizen thereof. Powers of council.

Fifteenth.—To prevent open or notorious drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth.—To license and regulate butchers' stalls, shops and stands for sale of game, poultry, butchers' meat, butter, fish and other provisions.

Seventeenth.—To regulate the place and manner of weighing of hay and selling the same, and the measuring of and selling firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Eighteenth.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof, by some officer of the village, at the expense of such owner or occupant.

Nineteenth.—To provide for watchmen, and to prescribe their numbers and duties, and regulate the same, and to create and establish the police of said village, and to prescribe the number of police officers and their duties, and to regulate the same; to prevent the dangerous construction, placing or continuance of chimneys, fireplaces, stove pipes or any pipes or instruments for the conducting of fire, heat or smoke, ovens, boilers or appurtenances, and to cause the same to be removed or to be made secure, and to prosecute the depositing of ashes in any unsafe place, and to prevent the carrying on of any kind of business or manufactory dangerous in causing and promoting fires, or which might be dangerous to the health of the people of said village.

Twentieth.—To provide by ordinance for a standard of weights and measures, for appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-first.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Twenty-second.—To remove and abate any nuisance in-

Powers of
council.

jurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Twenty-third.—To remove and abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds, and highways of the village.

Twenty-fourth.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease, and to make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws and to enforce the same within the village.

Twenty-fifth.—To restrain and punish mendicants, street beggars and prostitutes.

Twenty-sixth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

All ordinances
to be published
—what deemed
legal evidence
of the passage
of ordinances.

SEC. 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and published at least once in the official paper, before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

What deemed
to be common
nuisances.

SEC. 3. The power conferred upon the common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

To examine ac-
counts of offi-
cers.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers and agents of the town, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to

comply with the orders of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement[s] and adjustments.

CHAPTER III.

SECTION 1. Actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, may in pursuance thereof, shall be brought in the corporate name of the village.

How actions to be brought.

SEC. 2. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant; *provided*, that no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

In what cases warrants to be issued—what cases not issued.

SEC. 3. The constable and other police officers are hereby vested with all the powers of a sheriff or constable, in the service of writs as granted to them by the law of the state, and may pursue into any county in this state, and take and bring back for trial, any offender against the ordinances of said village.

Powers of chief of police.

SEC. 4. All ordinances and resolutions heretofore made and established by the village council of the village of Litchfield, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Previous act to remain in force.

SEC. 5. When any suit or action shall be commenced against said village, the service thereon shall be made by copy left with the recorder of the village.

On whom papers to be served in case of suit.

SEC. 6. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

No law repealing or modifying the same unless expressly set forth.

SEC. 7. The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the

Sale of liquor under control of council.

common council of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury of the village for the use thereof.

Council may
lay out and
vacate streets.

SEC. 8. The common council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the general laws of the state upon the boards of supervisors of townships, to open, alter, discontinue or lay out roads, and in the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from decisions of township supervisors.

Expense of
constructing
sidewalks how
paid.

SEC. 9. The cost and expense of building, grading, paving or repairing sidewalks, shall be, at the option of the common council, chargeable to the lots fronting on said improvements. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village of Litchfield, they may require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by the publication in a newspaper printed and published in said village, for not less than two weeks, of a notice to said owner or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Duty of council when
owners of lots
neglect to repair sidewalk—
duty of street
commissioner.

SEC. 10. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expense shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 11. If said assessment be not paid to the street commissioner of the village on or before the twentieth day of August in any year, the common council shall cause a statement of the same to be transmitted with the village taxes levied for that year to the auditor of the county of

Meeker, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

When to transmit statement of taxes levied.

SEC. 12. The common council may prescribe the width of sidewalks and may establish different widths in different locations, and may determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

To prescribe width of sidewalk and material used.

SEC. 13. All property, real and personal, in the village except such as may be exempt by the laws of this state, or is village property, shall be subject to taxation not exceeding two and one-half mills on the dollar per year for general purposes. Such property shall also be liable for such special taxes as the common council are herein authorized to levy.

What property subject to taxation.

SEC. 14. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

Further powers of council.

SEC. 15. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Meeker county, a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of Litchfield, as incorporated by this act, it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county of Meeker, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Litchfield, incorporated by this act.

Manner of assessing and collecting taxes.

SEC. 16. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under

How actions may be brought to recover fines

the control and direction of the common council; they shall have power to settle, compromise or prosecute all such actions on the part of the village when said village shall be a party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village, in an action to which the village shall be a party.

To remain a
part of the
township of
Litchfield.

SEC. 17. In all respects not herein provided for, said village shall be and continue a part of the township of Litchfield.

Corporate
powers of said
village.

SEC. 18. The corporation is invested with all powers to carry into full force, virtue and effect all and every part of the charter of said village, and the acts amendatory thereof, and to carry into execution the same, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest thereof.

Repeal of in-
consistent acts

SEC. 19. All previous acts and amendments thereto, which in any way conflict with the provisions of this act, are hereby repealed.

When act to
take effect.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXV.

February 29,
1872.

An act to incorporate the Village of Spring Valley in the county of Fillmore.

- SECTION 1. Incorporation of the village of Spring Valley.
2 Boundary lines of said village.
3. What to be elective offices—term of office—eligibility to office.
4. When term of office to commence—qualifications.

CHAPTER II.

- SECTION 1. Village Council—of whom to consist.

2. Council to judge of the qualification and election of its own members—to determine all contested elections.
3. What to constitute a quorum.
4. Council to determine the rule of its proceedings, etc.
5. To keep a journal of its proceedings—style of all ordinances.
6. When first election to be held—how conducted.
7. Who to be Inspectors at first election.
8. Vacancies, how filled.
9. Who entitled to compensation.
10. Penalty for neglecting or refusing to turn over to successor in office property, books, etc.
11. When office to be deemed vacant.

CHAPTER III.

- Section**
1. What officers to give bonds.
 2. When new election may be ordered.
 3. Who to preside over the Council—who may call special meetings of the Council.
 4. Duties of Recorder.
 5. Duties of Village Attorney.
 6. Duties of Treasurer.
 7. Duties of Marshal.
 8. Duties of Surveyor.
 9. Constituted one or more road districts.
 10. Council to appoint Overseers of Highways—duties of.
 11. To designate official newspaper.
 12. What to be deemed evidence of the publication of ordinances, &c.
 13. Who may not be interested in any job or contract for the village.
 14. Who deemed to be officers of the peace.
 15. Jurisdiction of officers of the Peace.
 16. Further powers of the council.

CHAPTER IV.

- Section**
1. Council to have control and management of the finances—further powers.
 2. By whom all laws and ordinances signed.
 3. Council to examine and adjust the accounts of all officers.
 4. May appoint special police for extraordinary occasions—who to be Chief of Police.
 5. Construction of sidewalks, how paid.
 6. All work to be let by contract to the lowest bidder.
 7. What property subject to taxation.
 8. Duties of Assessor.
 9. Council to notify the County Auditor of the amount of general and special taxes to be levied—duty of County Auditor—how collected.
 10. In what cases warrants may be issued—what cases warrant not to be issued.
 11. Qualifications of Judge, Justice, &c.
 12. What shall not be considered a reason for suspending said corporation.
 13. May lease and hold property—for what purpose.
 14. Not liable for the board or jail fees of any person committed for any offense punishable under the State laws.
 15. Compensation of Inspectors of Election.

16. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
17. Deemed a public act.
18. Not to interfere with the duties of Town Supervisors.
19. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Incorporation
of the village of
Spring Valley.

SECTION 1. All that part of the county of Fillmore, State of Minnesota, within the limits and boundaries hereinafter described shall be a village by the name of Spring Valley and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described shall be a municipal corporation by the name of the village of Spring Valley, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real and personal and mixed estate as the purposes of the corporation may require within or within the limits of said village.

Boundary lines

SEC. 2. The territory included in the following limits and boundaries shall constitute the village of Spring Valley to-wit: The west half of the southeast quarter and the southwest quarter of section twenty-seven; also the southeast quarter of section twenty-eight, and the east half of the southwest quarter of section twenty-eight, and the east half of the west half of section thirty-three, and the east half of section thirty-three, and the west half of section thirty-four, and the west half of the east half of section thirty-four in township number one hundred and three, range thirteen west.

Elective officers—term of
office—eligibility.

SEC. 3. The elective officers of said village shall be five trustees and one justice of the peace, who shall be styled village justice, one recorder, one treasurer, one assessor, one village marshal, one attorney, a village surveyor, and one overseer of highways for each road district, who shall hold their respective offices for one year and until their successors are elected and qualified. All village officers shall have resided in the village six months next preceding their election and be qualified voters of the State.

SEC. 4. The term of all officers shall commence as soon

as they are elected and qualified. All officers shall, before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of his office, which said oath of office shall be filed with the recorder of the said village.

When term of office to commence—qualifications.

CHAPTER II.

SECTION 1. There shall be a council composed of the five trustees who shall elect one of their number chairman, which shall be styled the village council of the village of Spring Valley.

Of what Council composed.

SEC. 2. The village council shall judge of the qualifications, election and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

Council to judge of the qualifications.

SEC. 3. A majority of the village council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as shall be prescribed by ordinance.

What to constitute a quorum

SEC. 4. The village council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct and with the concurrence of two-thirds of the members elected expel a member after due notice given, and an opportunity extended to the accused to be heard by counsel or otherwise.

To determine rule of its proceedings, etc.

SEC. 5. The village council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal; and the style of all ordinances shall be "The village council of the village of Spring Valley do ordain."

To keep journal of its proceedings.

SEC. 6. The first election of officers in said village shall be held on the second Tuesday in March, one thousand eight hundred and seventy-two, and on the day of the annual town election thereafter, at which time the electors of said village qualified to vote at town elections may elect by ballot and by plurality of votes, five trustees, one village justice, one recorder, one treasurer, one assessor, one village marshal, one attorney, one village surveyor, and one overseer of highways for each road district. The village council shall give ten days' notice of the time and place of holding said election, by posting up written or printed notices thereof in three public places [in the village,] and by causing such notice to be published in one or more newspapers printed and published in said village. The elections shall be held and conducted in the same manner as town elections, and

Annual election when held—how conducted.

the laws of this state applicable to elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury. The village council shall meet on the first Monday after their election, and monthly thereafter during their term of office.

Who to be Inspectors of Election.

SEC. 7. That for the purposes of the first election under this act Charles Evans, I. N. Cummins, and G. W. Gregory shall be inspectors of election, and also the board of canvassers for such election, and shall perform all the duties and shall possess all the powers of inspectors of election and board of canvassers prescribed by this act; they shall appoint the place of holding the polls of such election, and post or publish notice thereof ten days before the same; and all subsequent elections shall be conducted by the village council, who shall be inspectors of such election.

Vacancies how filled.

SEC. 8. Any vacancy occurring in the village council shall be filled by the remaining members of the council and the village justice. Any vacancy [occurring] in any other office shall be filled by the village council. Any person so appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may have been appointed to fill.

What officers entitled to compensation.

SEC. 9. No officer shall receive compensation except the treasurer, marshal, recorder, overseer of highways, attorney and village justice; and in all such cases compensation shall be fixed by by-law where the laws of the state do not define such compensation.

Penalty for refusing to deliver books, &c., to successor in office.

SEC. 10. Any person, having been an officer of the village, who shall not, within six days after having been requested by his successor in office, deliver all books, papers, property or effects in his hands pertaining to such office or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be also liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property and effects, in the manner prescribed by the laws of this state for other officers.

When office deemed vacant.

SEC. 11. Any officer removing from the village, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the village council shall proceed to fill the vacancy as prescribed.

CHAPTER III.

SECTION 1. The treasurer, marshal, and such other officers as the village council may direct, shall severally, before entering upon the duties of their respective offices, execute to the village of Springerilly a bond, with at least two sureties, to be approved by the village council, who shall make affidavit that they are actually [each] worth the penalty specified in such bond, over and above all debts and exemptions or liabilities; and said bond shall contain such penal sum and such condition as the village council may deem proper, and they may from time to time require new or additional bonds and remove from office any officer refusing or neglecting to give the same.

Officers to take oath of office.— what officers to give bonds.

SEC. 2. Should there be a failure by the people to elect any officers herein required to be elected on the day designated, the village council may order a new election to be held, ten days' notice of the time and place of holding the same to be given, as in general elections.

When new election may be ordered.

SEC. 3. The chairman of trustees shall, when present, preside over the meetings of the village council and take care that the laws of the state and the ordinances of the village be strictly enforced and duly observed, and that all other executive officers of the village discharge their respective duties. The chairman or any two councilmen may call special meetings of the village council. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said village over the age of eighteen years to aid in enforcing the laws or carrying into effect any law or ordinance. Any person who shall not obey such call shall forfeit to said village a fine not exceeding twenty-five dollars and not less than five dollars.

Presiding officer of the Council—special meetings how called.

SEC. 4. The recorder shall keep the corporate seal and all the papers and records of the village, and keep a record of all the proceedings of the village council; he shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof in a book provided for that purpose, and make a full and fair record of all by-laws, rules or ordinances made or passed by such village council. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from the records of the village council certified to by him under the corporate seal shall be evidence in all courts in like manner as if the original were produced. He shall

Duties of recorder.

report annually on the first day of June to the council an estimate of the expenses of the village for the current year, and the revenues necessary to be raised therefor; and the fiscal year of the village shall commence on the first day of July. He shall countersign all contracts made in behalf of the village and all certificates of work done by order of the village council. He shall examine the report, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the village council may direct. He shall not be directly or indirectly interested in any job or contract to which the village is a party. He shall receive for his services such sum as the village council may deem proper, not to exceed one hundred dollars per annum.

**Duties of
Attorney**

SEC. 5. The village attorney shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the village council or its committees.

**Duties of Treas-
urer.**

SEC. 6. The treasurer shall receive all moneys belonging to the village, and keep an accurate and detailed account thereof, and on the first day of July and quarterly thereafter, he shall exhibit to the village council a full and detailed account of all receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which account shall be filed by the recorder.

**Duties of mar-
shal.**

SEC. 7. The village marshal shall execute such orders and perform such duties as are prescribed by the village council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the village and for all other purposes. He shall possess the powers of a constable at law under the statutes of this state and receive like fees, and said marshal shall have the power to appoint a deputy; said marshal shall be responsible for the acts of said deputy.

**Duties of Sur-
veyor.**

SEC. 8. The village council shall prescribe the duties of village surveyor and fix the fees or compensation for any service performed by him, and all surveys, profiles, plans or estimates made by him for the village shall be the property of the village, and shall be carefully preserved in the office of the recorder, and open to the inspection of parties interested, and shall also have the same legal force as similar acts performed by the county surveyor.

**Constituted
road districts.**

SEC. 9. The village of Spring Valley shall be constituted one or more road districts, to be defined by the village council, and the highway labor and taxes shall belong to said road district.

SEC. 10. The village council shall issue a warrant to each overseer of highways containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to warning, working, sueing for and collecting highway taxes, and to returning delinquent taxes. The village council shall have full power to direct the overseers when, where and how to expend the labor in the manner to be directed by them, at any point within the limits of the village. The village council shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns in levying highway and labor taxes.

Council to appoint Overseers of road districts.

SEC. 11. The village council may designate a newspaper printed in the village in which shall be published all ordinances and other proceedings, and matters required by this act or by the by-laws or ordinances of the village council to be published in a public newspaper, and all printing shall be done for a compensation not exceeding legal rates.

To appoint village Printer.

SEC. 12. The village printer or printers immediately after publication of any notice, ordinance or resolution, or [any] other matters which by this act are or by village ordinance shall be required to be published, shall file with the recorder a copy of such publication which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matters.

What to be evidence of publication, etc.

SEC. 13. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested shall be null and void.

Who not to be interested in any contract.

SEC. 14. The chairman, and each and every trustee, marshal, recorder and justice of the peace, and constables of the precinct of which said village is a part, shall be officers of the peace and suppress in a summary manner all disorderly behavior within the limits of the village, and for such purpose may command the assistance of the bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars, nor less than five dollars.

Who to be officers of the peace.

SEC. 15. The village justice provided for and elected under this act shall have and possess all the powers and jurisdiction of justices of the peace provided for and elected under the general laws of the state, and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture

Jurisdiction of Justice of the Peace.

Jurisdiction of
Justice of the
Peace.

or penalty under any by-law, ordinance or regulation of said corporation or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation shall be commenced in the name of the village of Spring Valley, and the same proceedings shall be had in all civil and criminal suits or prosecutions before said justice when not otherwise herein directed as are established and are required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of said village shall be promptly paid by said justice to the treasurer of said corporation for the use thereof. The village justice shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice to plead or refer to the same in any manner whatever in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The village justice shall at least once in three months make to the village council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the treasurer, taking his receipt therefor. In all cases of convictions for assaults, batteries and affrays within said village, for breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the said justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. In case of the absence, sickness or other inability of said justice, or for any sufficient reason, the chairman, by warrant, may authorize any other justice of the peace within said town to perform the duties of said village justice, and it shall thereupon be the duty of the chairman to inform the village attorney and marshal of such substitution, and make report thereof to the village council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice of the peace so appointed shall, for the time being, possess all

the authority, powers and rights of the said village justice. All fines and penalties imposed by the village justice for offenses committed within the village limits, or for violation of any ordinance, by-law or regulation of said village shall belong to and be a part of the finances of said village. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray not indictable, committed within the limits of said corporation no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than twenty dollars. The fees of the village justice shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature issued by the village justice shall be directed to the sheriff or any constable of the county of Fillmore, and may be executed or served by the marshal under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said officers shall have and possess the same powers and authority, which, by the general laws of the state, they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

SEC. 16. The village council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the time such officers shall remain in office. The village council may at any time fix the compensation of any [officer] or committee for any extraordinary service by them performed.

Further powers
of Council.

CHAPTER IV.

SECTION 1. The village council shall have control and management of the finances and of all the property of the village, and the said council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the village, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any

To have control
and manage-
ment of the
finances—fur-
ther powers.

person or persons who may violate any provision of such ordinances, rules and by-laws; [and such ordinances, rules] and by-laws are hereby declared to be and have the full force of law, and for these purposes shall have authority, by ordinances, resolutions or by-laws; *provided*, that they be not repugnant to the constitution of the United States or of this state—

Further powers
of Council.

First.—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circusses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons, butchers' shops and butchers' stalls, and venders of butchers' meat, pawn brokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors; *provided*, that not less than twenty-five dollars, nor more than one hundred dollars shall be required to be paid for a druggist's license, and not less than one hundred dollars, nor more than two hundred dollars shall be required to be paid for any license for the sale of any spirituous, malt or fermented liquors; and all other licenses not to be less than one dollar nor more than fifty dollars, and the fee for issuing either of the same shall not [exceed] be less than one dollar; and said village council may at any time revoke any license granted under this act, for misconduct in the course of trade, and may regulate and restrain the sale of fresh or butchers' meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit within said village.

Second.—To restrain and prohibit the use of all gambling devices whatever from being set or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fraudulent devices and practices.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of said village.

Fourth.—To compel the owner or occupant of any grocery, cellars, tallow chandlers' shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same. To remove and abate any nuisance injurious to the public

health and safety, or repugnant to morality, decency and good order, and to provide for the punishment of all persons who shall cause or maintain such nuisance. To prescribe what shall constitute nuisances, and provide for the removal or abatement thereof, either under the ordinance or at common or statute law.

Fifth.—To direct the location and management of slaughter houses and markets in said village, and to regulate the storage, keeping and conveying of gunpowder, inflammable oils or other combustible materials.

Further powers
of council.

Sixth.—To prevent the incumbering of streets, sidewalks, lanes and alleys.

Seventh.—To prevent immoderate riding or driving in the streets.

Eighth.—To prohibit the running at large of dogs, to authorize the destruction of the same when at large contrary to the ordinances, and to impose fines upon their owners.

Ninth.—To prevent any person from bringing, depositing, or having within the village, any putrid carcass or other unwholesome substance, and to require the removal of the same by a competent officer at the expense of such person or persons.

Tenth.—To make and establish public pounds, pumps, water cisterns and reservoirs, to erect lamps or other means whereby to light the village, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the village.

Eleventh.—To prevent damage to sidewalks.

Twelfth.—To prevent the shooting of firearms, crackers and other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the village or any property therein, or annoying to any citizen thereof.

Thirteenth.—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

Fourteenth.—To license and regulate peddlars, runners, public houses and to regulate the police of the village.

Fifteenth.—To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, and measuring charcoal, firewood and other fuel.

Sixteenth.—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in his default, to authorize the removal or destruction thereof by some officer of the village at the expense of the owner or occupant.

Further powers
of Council

Seventeenth.—To prevent the introduction of contagious diseases into the village.

Eighteenth.—To license persons who shall offer or cause to be offered any goods, wares or merchandize, or other property for sale at auction or public outcry in said village, and may charge thereon not less than ten (10) dollars, nor more than one hundred dollars, in their discretion, and whoever shall offer or cause to be offered such property without such license, or under cover of license granted to any other person, shall forfeit one hundred dollars to said village, but this sub-division shall not apply to the sheriff or other officer in the discharge of his official duty.

Nineteenth.—To appropriate money and provide for the payment of the debts and expenses of the village.

Twentieth.—To abolish, open, widen, grade, repair or otherwise improve keep in repair streets or avenues, lanes and alleys.

Twenty-first.—To establish, regulate and support night watches.

Twenty-second.—To provide for the enclosing, improving and regulating of the public grounds belonging to the village and for the adorning of the streets thereof with shade trees.

Twenty-third.—To provide for the erection of all needful buildings for the use of the village.

Twenty-fourth.—To provide for the taking from time to time the enumeration of the inhabitants of the village.

Twenty-fifth.—To prescribe the limits within which wooden building or buildings of other materials that shall not be considered [deemed] fire proof shall not be erected, placed or repaired.

Twenty-sixth.—To prevent the dangerous construction, placing and conditions of chimneys, fire-places, hearths, stovepipes, ovens, boilers and appurtenances used in or about any building, and cause the same to be removed or placed in a safe and secure condition when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires within the village limits.

Twenty-seventh.—To assess or tax any merchant or mercantile establishment offering manufactured articles for sale and commencing business between the first day of August and the first of June following, such an amount as is paid by similar establishments in said village as the regular yearly tax for the same year. Said tax to be paid into the school fund of Spring Valley school district.

Twenty-eighth.—To prevent the Southern Minnesota Railway Company from obstructing the street crossing for a time exceeding ten minutes, accidents excepted, for every such offense a fine of not more than one hundred dollars may be imposed and collected.

Twenty-ninth.—The village council shall have power to authorize the formation of fire companies, hook and ladder, and hose companies, and to provide for the due support and regulations of the same and to order such companies to be disbanded, and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax and from serving on juries during the continuance of such membership.

Thirtieth.—The village council shall appoint an inspector of weights and measures, and prescribe his duties and fix the fees of compensation, and the village council shall have power to enact any other by-law, or to do any other act necessary and proper to perform the duties contemplated by this act.

SEC. 2. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the village council, and be signed by the chairman and recorder, and shall be published in the official paper of the village and posted for ten days in three of the public places in the village.

By whom all laws and ordinances signed.

SEC. 3. The village council shall examine and adjust the accounts of all village officers and agents of the village, at such time as they may deem proper, and if any such officer or agent shall refuse to comply with the order of said council in the discharge of their duties, in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against [any] such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

Council to audit accounts of all officers.

SEC. 4. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers and shall be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control of and subject to the village council.

May appoint special police—who to be Chief of Police.

SEC. 5. The cost and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns, drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street cross-

Expenses of building sidewalks, how paid.

ings and cross walks, may be paid out of the general fund, or reservoirs may be built by districts designated by the village council, but the expense of sidewalks shall be chargeable to the lots fronting on such improvements. The village council shall not construct sidewalks except by a petition in writing signed by two-thirds of the owners and occupants that are living opposite such improvements. Sewers may be built and the expenses apportioned by the village council among the lots and parcels of land benefited thereby. All resolutions or orders directing such improvements shall be filed and recorded by the recorder.

All work to be let to the lowest bidder.

SEC. 6. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract; not less than ten days' notice shall be given of the letting of the contract by the posting of notices by the recorder in two public places in the village, to be signed by the chairman, and also filing said notice with the [said] recorder at the same time.

What property subject to taxation.

SEC. 7. All property, real and personal, in the village, except such as may be exempt by the laws of the state, or is village property, shall be subject to taxation not exceeding one mill on the dollar per year for general purposes. Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

Duties of Assessor.

SEC. 8. The assessor of the village of Spring Valley shall qualify, and shall perform the duties pertaining to his office in accordance with the general statutes of this state in regard to township assessors. He shall be subject to all the liabilities and perform all the duties of a township assessor and receive such compensation as the council may direct.

To report to Auditor amount of taxes levied—duty of Auditor—how taxes collected.

SEC. 9. The village council shall report to the auditor of Fillmore county the amount of general taxes levied on the village and the amount of special taxes levied upon any of the lots or portions of said village, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of the town of Spring Valley, and the same shall be collected by the county treasurer or returned by him as delinquent, and all proceedings in relation thereto including the selling, conveying and redeeming property shall be the same as in proceedings on account of other taxes. All residents of the village shall pay a village tax on their personal property, wherever situated, proportionally with their real estate tax.

SEC. 10. In all prosecutions of any violation of this act

or any by-law or ordinance of the village of Spring Valley the first process shall be a warrant: *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village of Spring Valley; but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

When warrant issued—when not to be issued.

SEC. 11. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Spring Valley shall be a party in interest.

Qualifications of judge, justice, &c.

SEC. 12. If any election by the people or village council shall for any cause not be held at the time nor in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had in any subsequent day by order of the village council; and if any of the duties enjoined by this act or the ordinances or by-laws of the village to be done by any officer at any specified time and the same are not so done or performed, the village council may appoint another time at which the said acts may be done and performed.

What shall not be a reason for suspending said corporation.

SEC. 13. The said village may lease, purchase and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation.

May lease and hold property—for what purpose.

SEC. 14. The village of Spring Valley shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of Fillmore county for any offense punishable under the state laws.

Not liable for board or jail fees.

SEC. 15. The board of trustees, when acting as inspectors of election, shall receive the same compensation as fixed by the laws of the state.

Compensation of Inspectors of Election.

SEC. 16. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

How act may be repealed.

SEC. 17. This act is a public act, and need not be pleaded nor proven in any court in this state.

Declared to be a public act.

SEC. 18. This act shall not interfere with the duties of the town supervisors of the town of Spring Valley in laying out, altering or establishing highways, building and repairing bridges within the limits of the village of Spring Valley; nor shall any inhabitant or property therein be ex-

Not to interfere with the duties of town supervisors.

empt from taxation by the town for general town purposes. The election of the town officers for the town of Spring Valley shall be held as heretofore.

When act to
take effect.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXVI.

February 29,
1872.

An Act to incorporate the village of Farmington.

- SECTION 1. Boundary limits and corporate powers of the village.
2. Territory included within village limits.
 3. Officers of the village.
 4. Time of annual election and manner of conducting same.
 5. Township and village to be one election district.
 6. Relating to the duties and powers of the village officers.
 7. Powers and duties of trustees.
 8. Power of arrest by peace officers and constables without process.
 9. Annual statement of finances by trustees.
 10. Road district—road taxes and labor on the roads.
 11. Penalties and forfeitures.
 12. Limit of taxation for general and village purposes.
 13. Tax levy to be returned to county auditor.
 14. Damages relating to opening streets, &c.
 15. Actions for recovery of penalties and fines, how brought.
 16. Further provisions relating to actions.
 17. Time and place of first election.
 18. Act to take effect upon a majority vote of the legal voters within the limits of the village.

Be it enacted by the Legislature of the State of Minnesota:

Boundary limits and corporate powers of village.

SECTION 1. All that part of the township of Empire in the county of Dakota and state of Minnesota hereinafter described, shall be known and constitute the village of Farmington, and as such corporation shall have all the powers

generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal alterable at pleasure. Every grant and devise of lands or right or transfer of property which has been or may be made for the benefit of its inhabitants shall have the same effect as if made to the village by name.

SEC. 2. The territory included in said village of Farmington shall be all the territory divided into lots and blocks in section thirty-one (31), town one hundred and fourteen (114), range nineteen (19) west, which is known as the town site of Farmington, in the county of Dakota.

Territory included within village limits.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three trustees, one of whom shall be selected by themselves as president, one treasurer, one justice of the peace, one assessor, one constable, one clerk, who shall be residents of said village. The trustees, treasurer, and justice of the peace, and constable shall be elected by the qualified voters of said village. The assessor and clerk of said village shall be appointed by the trustees of said village, and may be removed at any time by said trustees. The trustees and treasurer shall hold their office for one year, and the justice of the peace and constable for two years, and until their successors are elected and qualified. The trustees may fill by appointment any vacancy in any of the village offices.

Officers of village.

SEC. 4. There shall be an annual election held on the first Monday of April of each year, at which the electors of said village qualified to vote at town elections may elect by ballot and by plurality of votes the trustees, treasurer, justice of the peace and constable of said village. The trustees of said village shall act as judges of election, but in case of the absence of either of them any qualified voter of said village may be selected by the voters present to act as such judge. At all village elections held under this act the polls shall be opened at one o'clock in the afternoon and continue open until four o'clock of the same day, and the election shall be by ballot and shall be conducted and governed in the same manner as far as may be as township elections. The village clerk shall give a notice of such election similar to that required for township elections; *provided*, that any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the trustees of said village on the petition of ten freeholders of said village and by giving

Time of annual election — manner of conducting same.

the notice [above] required, stating the object of said election. The first election under this act shall be held on the first Monday of May, A. D. 1872, and T. C. Davis, Patrick Devitt and J. F. Dilley, or any two of them, shall act as judges of said election and shall give ten days' notice of the time and place of holding said election by posting up notices thereof in three public places in said village. They shall canvass the vote[s] and issue certificates of election to those receiving the highest number of votes.

Township and
village to be
one election
district.

SEC. 5. Said village of Farmington as defined by this act and the remaining portion of the township of Empire outside of said village, shall, for the general election purposes, constitute as heretofore an election district of Dakota county, and the officers of said Empire township shall conduct such general elections and make return thereof as prescribed by the general election laws of the state, and the said township of Empire may hold their township elections within the corporate limits of the village of Farmington if said township shall desire to do so.

Duties and
powers of vil-
lage officers.

SEC. 6. All officers of said village shall enter upon the duties of their respective offices within ten days after the [ir] election or appointment, otherwise such office shall be vacant. The justice of the peace, the treasurer, assessor, constable and clerk shall respectively possess all the powers, enjoy all the rights and be subject to the same liabilities, rules, laws and fees as far as the same may apply as such township officers are, by the general laws of the state and their official bonds, shall run to the trustees of said village: *Provided*, That the trustees of said village shall receive no compensation for their services. The president shall preside at all meetings of the trustees and sign all orders, commissions, licenses and permits granted by the trustees, which shall also be attested by the clerk and no money shall be paid out of the treasury of said village except by the affirmative vote of the trustees or a majority of them, and upon a written order signed by the president and clerk. The treasurer of said village shall give to the trustees an official bond for such an amount as the trustees may require; he shall receive and pay out all moneys belonging to said village and shall keep a just and true account of all moneys and other things coming into his hands as such treasurer in a book to be provided by the trustees for that purpose which book shall remain the property of the village. He shall settle with the trustees at the end of every year and oftener if required by them. It shall be the duty of the constable to suppress all riots, disturbances and breaches of the peace and to arrest all drunken or disorderly persons in said village

and for this purpose he shall have all the authority and power of the sheriff of any county of the state.

SEC. 7. A majority of the trustees shall be a quorum for the transaction of business. They shall appoint a clerk, assessor and constable and such other officers as they may deem necessary and to prescribe by by-laws the duties of such officers when not defined by law. The trustees may enact ordinances and by-laws for all purposes contemplated by this act and may affix penalties for violating the same and they shall have the force of law, but before they shall become law they shall be signed by the president and [the] clerk, and posted up in a public place in said village ten days, and shall be filed and recorded by the clerk. The style of all ordinances shall be "The President and Trustees of the village of Farmington do ordain as follows:" The trustees shall [have] exclusive power:

Powers and duties of trustees.

First.—To license and regulate [within] the corporate limits of said village according to law or ordinance or both the selling, or vending or dealing in any manner in vinous, spiritous, malt, fermented or intoxicating liquors or drinks. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of any caravan, circus or theatrical or of slight of hand performance. To license and regulate billiard tables, ten pin or other ball alleys. To license and regulate auctioneers and peddlars, vender of gunpowder and to revoke any such license. All money received for any such license and from all other sources shall be paid to the treasurer of said village for its use: *Provided*, That in no instance shall the sum to be paid for any such licenses be less than the amount fixed and provided by the laws of this state when the same is established by law.

Second.—To restrain and prohibit every description of gaming with cards or otherwise, and to authorize the destruction of all instruments used for the purposes of gaming.

Third.—To prevent any riots or disorderly assemblages and to suppress and restrain disorderly houses, groceries, saloons or houses of ill-fame.

Fourth.—To direct the location and management of slaughter houses and markets, the storage of gunpowder or other combustible material and to compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or any unwholesome house or place to cleanse, remove or abate the same.

Fifth.—To prevent the incumbering of streets, sidewalks, public grounds and alleys and to define the same, and to prevent racing or immoderate driving or riding on the same also to prevent injury to the same or any public property in the village.

Powers and
duties of trustees.

Sixth.—To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same, also to prevent the running at large of dogs. To make and establish a pound and to appoint a pound master. To protect shade and ornamental trees on the streets, alleys and public grounds and to require the owner or owners of lots to set out shade or ornamental trees in the street or streets fronting the same and to compel the owner and the occupants of buildings to remove snow, dirt or rubbish from side walks, streets or alleys opposite thereto.

Seventh.—To organize fire companies, hook and ladder companies and to regulate their government. To restrain drunkards, immoderate drinking or obscenity in the streets, and punish all persons guilty of the same. To lease, purchase or erect all buildings necessary for the use of said village as a municipal corporation. To tax every male resident of said village over twenty-one and under fifty years of age, two days labor, or in lieu thereof three dollars per annum, to be applied in roads, streets and alleys in said village. To make, keep open and in repair, grade, improve, lay out, alter, widen, vacate or discontinue roads, streets, alleys, sewers and sidewalks, in said village. To examine and audit the accounts of all persons against said village. To establish and maintain pumps, cisterns, reservoirs and drains, in said village, and purchase and hold any land necessary for the purposes herein named. To prescribe the limits within which wooden buildings may be erected or repaired. To prevent the dangerous construction or continuance of chimneys, fireplaces, stove pipes, and cause the same to be removed or made safe.

Arrest by peace
officers and
constables
without process.

SEC. 8. Any peace officers may, and it shall be the duty of the constable to arrest without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous, or disorderly conduct in the streets or public places, and to take such person or persons forthwith before any justice of the peace who has an office in said village, or keep them until they become sober in confinement or until such time as such justice can reasonably hear and dispose of such offenders.

Annual statement of finances by trustees.

SEC. 9. The trustees shall, on the annual election day, make an accurate statement of the finances of the village at that date, including all debts and liabilities and the means and assets to discharge the same, which statement shall be read to the electors present and recorded for the inspection of all persons.

SEC. 10. The village of Farmington shall constitute one road district, and the highway labor and taxes shall belong to the general fund, and the trustees shall appoint one overseer of said road district, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned to the village clerk. The laws of the state shall apply to warning, working, suing for and collecting the highway taxes and to returning delinquent taxes, and in all other respects except as herein expressly provided. The trustees shall have full power to direct the overseer when, where and how to expend such labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at any point beyond the limits of the village, and the trustees shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes and shall be governed and restricted in the amount so levied by the same law applicable to supervisors of towns in levying highway labor and taxes.

Road district—
road taxes and
labor on roads.

SEC. 11. Penalties and forfeitures shall be sued for by the trustees in the name of "The village of Farmington," and shall belong to said village. The expense of opening and grading new streets, and of paving or repairing, building and maintaining sidewalks on streets or alleys, may be chargeable to the lots fronting on such improvements, or paid in whole or in part from the general fund, at the discretion of the village trustees.

Penalties and
forfeitures.

SEC. 12. All property, both real and personal in the village except such as may be exempted by the laws of the state or as village property, shall be subject to taxation not exceeding five mills on the dollar for any one year for general purposes, and such property shall also be liable for such special taxes as the trustees may levy in pursuance of law; and the trustees may levy a tax upon the taxable property of said village when authorized by a majority vote of all the legal votes of said village, not exceeding ten mills on every dollar of valuation for any one year, to be used [for] such purpose as the voters of said village may direct.

Limit of taxa-
tion for gene-
ral village pur-
poses.

SEC. 13. The trustees shall report to the auditor of Dakota county, by October first, of each year, the amount of general and special taxes levied upon any of the lots or portions of said village, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village of Farmington, and the same shall be collected by the county treasurer or returned by him as delinquent, and all proceedings in relation thereto including the selling, conveying and redeeming property, shall be the same as in

Tax levy to be
returned to
county auditor.

proceedings on account of other taxes under the laws of the state.

Damages relating to opening streets, &c.

SEC. 14. The damages sustained by reason of the laying out, opening or altering of any road, street or alley, may be determined in the same manner as the laying out of a road in a town under the laws of the state, except the village clerk is substituted for the town clerk and the trustees for the supervisors.

Actions for recovery of penalties and fines how brought.

SEC. 15. All actions brought to recover any penalty, sum of money on forfeiture under this act or the ordinances or by-laws made by the trustees, shall be brought in the corporate name of the village, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise, prosecute and defend all such actions on the part of the village. In actions against said village, service of process shall be on the president of said village and the village shall have the right of appeal as individuals have.

Further provisions relating to actions.

SEC. 16. Such actions may be commenced in the district court or before any justice of the peace, of Dakota county, without being required to give security for costs in any such action, and in no case shall any judgment be rendered against said village for costs in criminal actions and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said village in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty or for the violation of any of the provisions of this act or any ordinance, or by-law made by the virtue thereof may contain a clause directing, in the event of the non payment of the judgment, the imprisonment of the defendant in the county jail of said Dakota county, not exceeding thirty days, if the damage or penalty recovered by such judgment shall be ten dollars or less and not exceeding sixty days, if such changes or penalty exceed that sum, and the sheriff of said Dakota county shall receive and take charge of such defendant committed to said jail. All penalties and judgments shall be paid into the village treasury.

Time and place of first election.

SEC. 17. It shall be lawful for all the legally qualified voters of said village residing within its corporate limits as herein before described to meet at the Niskerus hotel within such limits on the first Monday in April, A. D., 1872, at one o'clock, P. M. of that day to choose *viva voce* too

judges and one clerk of election and the election shall be conducted as near as may be as general elections are by law conducted. At said election the electors shall vote for or against this act of incorporation and a majority of the votes so cast shall decide and be conclusive in receiving or rejecting the same.

SEC. 18. This act shall take effect and be in force from and after its reception by a majority of the legal voters residing within the corporate limits of said village of Farmington.

Act to take effect upon majority vote of legal voters of the village.

Approved February 29, 1872

CHAPTER XXVII

A Bill granting certain powers to the Supervisors of the Town of Anoka.

February 20,
1872.

- SECTION 1. Powers of supervisors of town, relating to village government.
2. Relating to fines and penalties.
 3. Limitation of powers within certain boundaries.
 4. Ordinances, rules and by-laws—how enacted—publication thereof.
 5. Relating to prosecutions for violation of ordinances, &c.
 6. Relating to fines and penalties collected.
 7. Relating to imprisonment for offences.
 8. Competency of citizens to be justices, jurors or judges.
 9. Appointment of town officers.
 10. Duties of town marshal.
 11. Deputy marshal.
 12. Fees of marshal when performing duties as constable.
 12. Salary of marshal.
 14. Power of taxation.
 15. Township assessor—his duties.
 16. Wood inspector—powers and duties.
 17. Power to assess lots for laying sidewalks.
 18. Power to assess lots for grading streets and crossings.
 19. Act to take effect upon a majority vote of the legal voters voting thereon.

Be it enacted by the Legislature of the State of Minnesota :

Powers of supervisors.

SECTION 1. The supervisors of the town of Anoka in the county of Anoka, shall have full power and authority to enact, publish, alter, modify, amend and repeal, all such ordinances, rules, and by-laws, as they shall deem expedient for the purposes following, to wit :

First.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, hog yard or hog pen, stable, barn, privy, sewer, hide yard and slaughter house, market or other unwholesome or nauseous house or place to cleanse, remove, or abate the same, from time to time, as may be deemed necessary for the health, comfort and convenience of the inhabitants of said town.

Second.—To direct the location or management of slaughter houses in said town, and to regulate the sale, storage, conveying and keeping of gun powder or other combustible materials.

Third.—To prevent the incumbrance of streets, side-walks, lanes, or alleys, with carriages, carts, waggons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To prohibit the running at large of dogs, and to authorize the destruction of the same.

Fifth.—To prevent any person from bringing, depositing or having within the district hereinafter described, any putrid carcass, or other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his premises, or by the person who shall have put the same thereon, or from any street, lane, public square or alley, and on default, to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To regulate the burial of the dead, and to make such rules and regulations as they shall deem proper to prevent the introduction or spread of contagious diseases.

Seventh.—To prevent all persons from doing any damage to the sidewalks, cross-walks, fences, buildings, shade or ornamental trees.

Eighth.—To prevent open or notorious drunkenness and brawling, and obscenity in the streets or public places, and provide for the arrest and punishment of all persons who may be guilty of the same.

Ninth.—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers, stacks, and apparatus used in or about any building, and to cause the same to be placed in a safe and

secure condition when considered dangerous, to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and highways, to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, to regulate and prevent the use of fire works and fire arms and finally to establish such regulations for the prevention and extinguishment of fires as they may deem expedient.

Powers of the supervisors.

Tenth.—To provide for the construction and maintainance of suitable sidewalks and street crossings upon any of the streets and alleys within the district hereinafter mentioned, upon a petition of a majority of the resident owners of lots upon such street or alley, and opposite and adjoining to which any such sidewalk is to be built, said sidewalks to be constructed and maintained by or at the expense of the owners of the lots or parts of lots respectively opposite and adjoining which any sidewalk may be ordered.

Eleventh.—To cause to be established under the direction of a surveyor, the grade of any and all the streets in the district hereinafter named, and to cause to be graded any of the streets and alleys within the same upon the petition of three-fourths of the resident owners of the lots upon any such street or alley, and opposite and adjoining to which the same is to be graded.

Twelfth.—To prevent and punish riots, noise and disturbance of meetings and assemblies, and generally to promote good order and the public peace.

Thirteenth.—To prevent and punish horse racing and immoderate riding or driving in the streets, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the street.

Fourteenth.—To grant licenses to suitable persons to act as public auctioneers and require the payment of a reasonable license fee of each of such auctioneers, and to prohibit all persons from acting as auctioneers, or selling goods, wares, and merchandise, or other property by public outcry, without first obtaining such license. The said license to be in lieu of the county license provided by law and the proceeds of the same to be paid into the treasury of said town, but this subdivision shall not [apply] to the sheriff or other officers in the performance of official duties.

Fifteenth.—To regulate the time, manner and place of holding auctions.

Sixteenth.—To grant licenses to common showmen or any public exhibition, pedlars, billiard tables, bowling saloons, and all persons, to vend and deal in spirituous, vinous, fermented, or malt liquors, and to require the payment of a license fee for the same.

Seventeenth. To employ any patrolman, watchman, or police, and maintain any lamp posts and lamps they may deem necessary.

Relating to
fines and pen-
alties.

SEC. 2. Said board of supervisors shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws, are hereby declared to have the force of law, *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state; fines, penalties, and punishments, may extend to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, in the county jail, or both, with power to order the offender to be fed on bread and water during the whole or part of said term of imprisonment, at the discretion of the justice. And offenders may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Limitation of
powers within
certain boun-
daries.

SEC. 3. The powers herein granted shall be exercised by said board of supervisors only in reference to the district described as follows: All of fractional township thirty-one (31) north range twenty-five (25) west, 4th principal meridian, and the fractional west three-fourths of sections six and seven (6 and 7), in township number thirty-one (31) north range number twenty-four (24) west, 4th principal meridian.

Ordinances,
rules and by-
laws—how en-
acted—publica-
tion thereof.

SEC. 4. All ordinances, rules and by-laws shall be enacted by an affirmative vote of a majority of said board of supervisors, and shall be signed by the chairman and published once in a newspaper published in said town, or posted conspicuously in three public places in said town for ten (10) days before the same shall be in force, and shall be recorded by the clerk of said town in a book to be provided for that purpose. But before any of such ordinances, rules and by-laws shall be recorded, the posting of the same, or the publication thereof as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, or the certificate of said clerk, (whose duty it shall be to post the same,) of said posting, and the affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication and posting.

Relating to
prosecutions
for violation of
ordinances, &c

SEC. 5. All prosecutions for any violation of any of the ordinances, rules or by-laws, enacted under the provisions of this act, shall be commenced by warrant upon complaint being made as required by law in criminal cases before jus-

tices of the peace, and the same proceedings shall be had therein as required to be had by the laws of the state in criminal actions before justices of the peace; except that the offender when in the act of violating any of said ordinances, rules or by-laws, may be arrested without warrant or complaint previously made, by the marshal or his deputy or by any patrolman, or policeman employed under the provisions of this act, and may be required to plead to the charge made against him as stated in the complaint which shall forthwith be reduced to writing and sworn to as in other criminal cases; *provided*, that no appeal shall be allowed when the fine or penalty imposed does not exceed the sum of ten (10) dollars. The justices of the peace of the town of Anoka, shall have and possess exclusive original jurisdiction in all cases arising under the provisions of this act.

SEC. 6. All fines and penalties, and all fees for licenses, imposed or granted under or by virtue of the provisions of this act, shall belong to the said district described in section three of this act, and shall constitute a fund to pay the expenses incurred under the provisions of this act.

Relating to
fines and pen-
alties collected

SEC. 7. In all cases of the imposition of any fine or penalty, or the rendering of judgment by any justice, for the violation of any ordinance, rule or by-law enacted under the provisions of this act, the offender shall be forthwith committed to the common jail of Anoka county, and be there imprisoned for the time not exceeding thirty (30) days, in the discretion of the justice, unless the fine or penalty, or judgment with costs (if any are imposed) be sooner paid or satisfied. And in all cases where the punishment of such offender shall be by imprisonment, it shall be in said common jail of Anoka county, and from and after the arrest of any person or persons for any violation as aforesaid, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in said jail, unless admitted to bail. The sheriff of Anoka county and jailors of said jail, and their, and each of their deputies, are required to receive such persons into custody, and confine them safely in said jail, until they may be discharged in the due course of law. The district described in section three of this act shall be liable to pay for the support and keeping of such prisoners, the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state. And the same shall be paid out of any funds provided for paying the expenses incurred in carrying out the provisions of this act.

Relating to im-
prisonment for
offences.

Competency of
citizens to be
justices, jurors
or judges.

SEC. 8. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant of said town of Anoka, in any action or proceeding arising under the provisions of this act.

Appointment
of town officers

SEC. 9. Said board of supervisors shall, within thirty (30) days after the annual town meeting, appoint a town marshal, fire warden, and a wood inspector and measurer, who shall hold their offices for the term of one year, and until their successors are appointed and qualified, unless sooner removed, as they may be by said board. All vacancies in said offices shall be filled by the board of supervisors.

Duties of town
marshal.

SEC. 10. Said town marshal shall give a bond with sufficient surety, to be approved by the board, conditioned for the faithful discharge of his duties, in such sum as the board shall require, he shall perform such duties as the board may prescribe under the provisions of this act. He shall have all the powers, and be subject to all the duties of constables by the laws of this state, and it shall be his duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by any justice of the peace, for any violation of any of the ordinances, rules or by-laws enacted under the provisions of this act, and the same shall not be served or executed by any other person except said marshal or his deputy, and shall be directed to him or his deputy.

Deputy mar-
shal

SEC. 11. Said marshal shall have the power to appoint a deputy, who shall possess the same powers and receive like fees (salary excepted) as said marshal, and said marshal shall be responsible for the acts of his deputy.

Fees of mar-
shal when act-
ing as consta-
ble.

SEC. 12. Said marshal shall be entitled to demand and receive like fees as constables, when performing the duties of a constable, and shall be entitled to demand and receive such fees as may be prescribed by the board of supervisors, for services which cannot be performed by a constable, and, in addition thereto, shall receive such salary as the said board may fix, not exceeding one hundred dollars.

Salary of mar-
shal.

SEC. 13. The board of supervisors shall fix the fees and salary of the marshal, and may change the same.

Power of tax-
ation.

SEC. 14. The board of supervisors shall have the power, and it shall be their duty to vote a tax upon the taxable property of the district described in section three (3) of this act, sufficient to pay all expenses incurred in carrying out the provisions of this act. The town clerk shall on or before the first day of September in each year, file with the county auditor, a certified copy of the record of such vote, and thereupon such tax shall be levied and collected as other town taxes are levied and collected.

SEC. 15. The township assessor of the town of Anoka, shall make a separate list of the persons and personal property of all persons residing within the district described in section three (3) of this act, in the same manner as he is now required to do by section twenty-nine (29), of chapter eleven (11) of the general statutes of Minnesota, in case of incorporated towns.

Township
assessor—his
duties.

SEC. 16. The wood inspector and measurer shall give bond with sufficient surety, to be approved by said board, conditioned for the faithful discharge of his duties, in such sum as the board shall require. He shall, upon application of any party interested, inspect and measure any fire wood brought into said town for sale, and give the owner or possessor a certificate, setting forth the quantity and quality thereof, and date of inspection, making reasonable allowance for crooked and uneven wood and estimating a cord to contain one hundred and twenty-eight (128) cubic feet. He shall be entitled to the following fees: For every load or pile of wood ten cents, and ten (10) cents per cord for each additional cord, which shall be paid to the inspector on delivery of his certificate of the quantity of any load or pile of wood to the person having such wood measured, and the board of supervisors shall have power by ordinance to make such additional regulations respecting the measurement of wood and for enforcing the same as they shall deem expedient.

Wood inspec-
tor—powers
and duties.

SEC. 17. The board of supervisors shall have power to assess all lots for the expense of building and maintaining any sidewalk opposite to and adjoining said lots, and said assessment until paid, shall remain and constitute a lien thereon, and they shall deliver said assessment to the town marshal, who shall collect the same, and in case the same remains unpaid for three months after demand made upon the owner of the property, or his authorized agent, the same shall be sold at public auction to the highest bidder, for such assessment, by said marshal, after the same notice as is required by law for tax sales, and the money received at such sale shall be paid into the town treasury for the use of the town, after paying such assessment and the expenses of sale. Any person whose property is sold for [any] such assessment, may redeem the same within one year thereafter by paying the amount for which said property was sold, with a penalty thereon at the rate of two per cent. per month to the town treasurer, who shall execute to the person redeeming, a certificate of redemption. If the same shall not be redeemed as aforesaid, the marshal shall exe-

Power to assess
lots for laying
sidewalks.

cute a deed thereof to the purchaser or his assigns. Provided, That no proceeding under this section shall be had until the ordinance requiring the building of any such sidewalk shall have been published in a newspaper published in said county for three (3) successive weeks.

Power to
assess lots for
grading streets
and crossings.

SEC. 18. The said board of supervisors shall have power to assess the expense of establishing the grade of any street and of grading the same, and of constructing street crossings upon the lots upon said street in proportion to the value thereof, as shown by the assessment roll of the assessor for that year, deducting therefrom such damage as in their opinion such lot shall have sustained by reason of said grading, the deficiency occasioned by such deduction to his apportioned rateably upon the other lots on such street; such assessment when so made shall be returnable [returned] to the county auditor, and extended in a separate column upon such property at the same time and in the same manner as other town taxes are returned and extended, and shall be collected in the same manner as other town taxes are collected. But no assessment for grading any street shall be made as herein provided, unless said grading shall be done on the petition of three-fourths of the resident owners to be assessed for the same.

Act to take
effect upon a
majority vote
of the legal
voters voting
thereon.

SEC. 19. This bill shall be submitted to the legal voters of said town at the next annual spring election. The ballots shall have written or printed, or partly written and partly printed the following words, "For bill granting certain powers to the supervisors of the town of Anoka," or "Against bill granting certain powers to the supervisors of the town of Anoka." Said votes shall be cast at said election in the same manner as other votes cast for town officers, and returned and canvassed in the same manner. If it shall appear that a majority of said voters voting upon said question shall be in favor of said bill it shall take effect and be in force thereafter.

Approved February 29, 1872.

CHAPTER XXVIII.

An Act to Amend an act entitled "An act to incorporate the Village of Chatfield," approved March (6th) sixth, Eighteen Hundred and Seventy One.

February 29,
1872.

- SECTION 1. Amendment to incorporation act, extending the village limits.
2. Authority to prevent construction of wooden buildings.
 3. Original incorporation act, to govern the addition.
 4. The territory named in this act, to remain part of the township in which located for other purposes
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the act to incorporate the village of Chatfield, approved March sixth, eighteen hundred and seventy-one, be and the same is hereby amended so as to include within the corporate limits of said village all of section thirty-one (31) and the south-west quarter of the south-west quarter of section thirty-two (32) in township number one hundred and five north, of range eleven west and the east half of the south-east quarter of section thirty-six (36) in township number one hundred and five north, of range twelve west, situated in the county of Olmsted; also all of sections five and six and all of sections seven and eight except the south half of the south half of said sections seven and eight, and the north-west quarter of the north-west quarter of section nine in township number one hundred and four north of range eleven west situated in the county of Fillmore.

Amendment
extending vil-
lage limits.

SEC. 2. The common council of the village of Chatfield shall have the power to prohibit the construction of wooden buildings within such limits as they may deem necessary and expedient within said village.

To prevent con-
struction of
wooden build-
ings.

SEC. 3. All the conditions, regulations and powers contained in said act of incorporation shall apply to the territory annexed to said corporation in section one of this act.

Original act to
govern addition

Territory
in this act to re-
main part of
township in
which located.

When act to
take effect.

SEC. 4. In all respects not provided for in this [the] act of incorporation and the amendments thereto the territory contained in said corporation shall be and continue a part of the several townships in which it is situated.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXIX.

February 27,
1872.

An Act to Amend Sections Three and Four of Chapter Nine of the Special Laws of Eighteen Hundred and Seventy One relating to the Village of Hokah in Houston County.

SECTION 1. Amendment to sections 3 and 4 of chapter 9, of special laws.

Sec. 3. Relating to the government of the village.

Sec. 4. Relating to annual elections.

2. When to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to
sec's 3 and 4,
chapter 9.

SECTION 1. That sections three and four of chapter nine of the special laws of 1871, be and the same are hereby amended so as to read as follows:

Relating to the
government of
the village.

Sec. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three trustees one of whom shall be selected by themselves as president; one treasurer, one justice of the peace, one constable, one assessor, and one recorder; all of whom shall be residents of said village; the trustees, the treasurer, the constable, the assessor, and recorder shall each hold his office for the term of one year and until his successor is elected and qualified.

The justice of the peace shall hold his office for the term of two years and until his successor is elected and qualified. Any vacancy in any of the offices above mentioned except that of justice of the peace may be filled by appointment of the trustees; but a vacancy in the office of justice of the peace shall be filled by election; and such as are appointed or elected to fill vacancies shall hold till the next annual election.

Sec. 4. There shall be an annual election held on the first Tuesday of April, in each year, at which the electors of the village qualified to vote at township elections may elect by ballot and by plurality of votes, the trustees, the treasurer, the constable, the assessor, and the recorder for said village; but the justice of the peace shall be elected but once in two years, except to fill a vacancy. The trustees of the village shall act as judges of election; but in case of the absence of either of them, any qualified voter of the village may be selected by the voters present to act as such judge. At all village elections under this act the polls shall be open at ten o'clock in the forenoon and continue open until four o'clock in the afternoon of said day; and the election shall be by ballot and shall be conducted and governed in the same manner, as far as may be, as township elections.

Relating to annual elections.

The village recorder shall give notice of such election in the manner required by law for township elections; *provided*, that any failure to give the notice aforesaid, shall not invalidate any election; and special elections may be called at any time by the trustees on the petition of ten freeholders of the village, by giving the notice above required and stating the objects of the meeting.

Sec. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 27, 1872.

CHAPTER XXX.

February 28,
1872.

*An Act providing for the Establishment of a Sinking-Fund
for the City of Mankato.*

- SECTION 1. Certain officers designated as sinking fund commissioners.
2. Sinking fund to be created for payment of bonds.
 3. Manner of investing the funds to the credit of the fund.
 4. Purchase and cancellation of bonds.
 5. What members may discharge the duties of the board.
 6. Manner of drawing the money for investment.
 7. Meeting of the board, how called.
 8. Repeal of inconsistent acts.
 9. When act to take effect

Be it enacted by the Legislature of the State of Minnesota:

Sinking fund
commissioners

SECTION 1. The mayor, recorder, treasurer and chairman of the committee of ways and means of the common council of the city of Mankato shall constitute a board of sinking fund commissioners, of which the mayor shall be president, the recorder secretary, and the treasurer treasurer.

Sinking fund
for payment of
bonds.

SEC. 2. There is hereby created a sinking fund for said city, the proceeds of which shall be appropriated exclusively to the purchase of bonds issued by said city.

Said fund shall consist—first, of the surplus remaining in the treasury at the end of each fiscal year after the payments are made or appropriate amounts set aside for the payment of either principal or interest on bonds issued by said city, of the moneys received [raised] for that purpose.

Second.—The proceeds of all delinquent tax levied for the same purpose, and the common council may from time to time direct the treasurer to place said money, so derived, to the credit of the sinking fund, and shall in the month of April, in each year, if not sooner done, cause said money mentioned in this section to be so placed.

And third.—The common council are hereby required to levy annually on all the taxable property of said city, not more than two mills on one dollar of the assessed valuation, which money as fast as received shall be placed to the credit of the sinking fund.

SEC. 3. The board shall, from time to time, when money in suitable amounts is placed to the credit of the sinking fund, invest the same in the outstanding bonds of said city, provided the same can be purchased at not more than the market price, not exceeding the par value thereof; and if at any time such investments cannot be made at par or less, then the said board shall be authorized to invest said moneys in bonds of the state of Minnesota, or in United States bonds. And whenever the said board shall have invested any part of the said fund in the purchase of bonds of the state or of the United States, and shall at any time thereafter be enabled to purchase any of the city bonds at such prices as they may judge best for the public interest within the restrictions above provided—they shall forthwith sell and dispose of the same and invest in city bonds.

Manner of investing the fund.

Provided, however, That no such purchase, investment or sale shall be made until the same shall have been first authorized by the common council of said city.

SEC. 4. Whenever the said board shall purchase any city bonds they shall proceed to cancel the same in the presence of the common council at their next regular meeting, and such cancellation shall be entered on the records of the common council, noting the number, character and amount of each bond and the number and amount of coupons attached thereto.

Purchase of bonds.

SEC. 5. Any three of the board of whom the recorder shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them by this act, and [but] shall not be entitled to receive any additional compensation or salary for such services.

What members may discharge duties of the board.

SEC. 6. Whenever any of the moneys constituting the sinking fund shall be required for any such purchase or investments as are in this chapter mentioned, the amount of money required shall be paid by the treasurer of said city upon a warrant signed by the said board or any three of them, the recorder being one, who shall affix the seal of the city thereto.

Manner of drawing the money for investment.

SEC. 7. The said board shall meet at any time upon the call of the mayor or any two members thereof; the mayor shall preside at such meetings. It shall be the duty of the recorder to keep a correct journal of the proceedings of said board, to be verified by the board, and once a year or oftener if required they shall render unto the common council a full and detailed report of the proceedings of said board.

Meeting of the board how called.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

When act to
take effect.

SEC. 9. This act shall be in force from and after its passage.

Approved Feb. 28, 1872.

CHAPTER XXXI.

February 28,
1872.

*An Act to Amend an act incorporating the city of Mankato,
approved March 6th, 1868.*

SECTION 1. Amendment to section 8 of chapter 3 of the city charter, relating to street commissioner.

2. Amendment to subdivision 9 of section 3 of chapter 4, relating to tax on dogs.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eight of chapter three of said act be amended to read as follows:

Relating to
street commis-
sioner.

The common council shall, at their first meeting after the annual election, or adjournment thereof elect by ballot a street commissioner who shall hold his office for one year, and until his successor is elected and qualified.

It shall be the duty of the street commissioner to conduct, execute or superintend any such work, repairs or improvements upon the street alleys, [streets, alleys,] bridges, public grounds or public works of said city as may be committed to him by the common council—and he shall be required to execute a bond with sureties satisfactory to the common council conditioned [conditioning] for the faithful performance of his duties and that he will account for all moneys collected or received by him in his official capacity or belonging to the city.

SEC. 2. That the ninth subdivision of section three of chapter four be amended to read as follows:

Ninth.—To tax or license dogs; to regulate or prohibit dogs running at large; to impose a penalty upon the owners or keepers of dogs who allow them to be at large in violation of ordinance, and to authorize the impounding or summary killing of dogs found running at large.

Relating to tax
on dogs.

Sec. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved Feb. 29, 1872.

CHAPTER XXXII.

An Act to Amend an act to incorporate the City of Shakopee.

February 27,
1872.

- SECTION 1. Amendment to section 8 of chapter 5, of the incorporation act relating to a poll tax.
2. Repeal of so much of section 10, chapter 11, as may be inconsistent with this act.
 3. Amendment to section 8 of chapter 11, of special laws of 1871, relating to work on the streets, &c.
 4. Amendment to section 3 of chapter 5, of the original incorporation act, relating to taxation for payment of bonds, &c.
 5. Amendment to part of section 3 of chapter 3, of said act, relating to licenses.

When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section 8 of chapter 5 of an act to incorporate the city of Shakopee, approved March 3d, 1870, be and the same is hereby amended so as to read as follows:

Section 8. It shall be lawful for the common council of said city, at any time to levy a corporation poll tax upon each and every qualified voter in said city, excepting those over sixty years of age, and to enforce the collection of said tax by ordinance, and proceedings thereby authorized in the same or similar manner as other ordinances of the city are enforced and violations thereof punished.

Relating to a
poll tax.

Provided, That said tax shall not in any one year exceed the sum of two dollars upon each person.

Repeal of section inconsistent with this act.

SEC. 2. So much of section ten of chapter eleven of the Special Laws of A. D. 1871 as is inconsistent with the provisions of this act, and all other provisions of the said act of incorporation which are inconsistent, or in conflict with the provisions of this act, are hereby repealed.

SEC. 3. That section eight of chapter eleven of the Special Laws of A. D. 1871 is hereby amended so as to read as follows :

Relating to work on the streets, &c.

Section 8. It shall be the duty of the common council to appoint a suitable person to superintend all work and improvements on the streets, bridges, alleys, highways, and public grounds of the city, and carry into effect all orders and ordinances of the common council in relation to work, or improvements upon the streets, roads, alleys, and public grounds of the city, and such person shall be known by the name of overseer of streets, alleys, and highways ; and may be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all money collected or received by him in his official capacity or belonging to the city.

SEC. 4. That section three of chapter five of the original act of incorporation of said city is hereby amended so as to read as follows :

Relating to taxation for payment of bonds, &c.

Section 3. The common council shall have power, and it shall be the duty of the common council, to levy annually upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, or the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act, to establish and maintain a free ferry across the Minnesota river, and to procure the right of way for and open streets or highways leading to and from such ferry, either within or outside the limits of said city, or for other purposes lawful.

Provided, That the same be authorized by a majority of the voters present, and voting at an election to be held for that purpose. The time, place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections.

SEC. 5. The sub-division of section three of chapter four of said original act of incorporation, therein designated "First," is hereby amended so as to read as follows:

First.—To license and regulate the exhibition of common showmen, and shows of all kinds, or the exhibition of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant license[s] to and regulate and restrain auctions, auctioneers, hawkers, and peddlers, to license tavern keepers, and victualing house keepers, and all persons dealing in spiritous, vinous, fermented or malt liquors, *Provided*, That all licenses for so dealing in spiritous, vinous, fermented or malt liquors, shall not be less than twenty-five dollars a year, *Provided*, That nothing herein shall be so construed as to prohibit the granting or refusing a special license, for any time or place within the city, that may be deemed proper, by the mayor, one alderman and the recorder or a majority of them or by the common council when duly convened, and all special licenses not granted by the common council may be confirmed or revoked at any subsequent lawful meeting of the common council, *and provided* further, that the entire control of the traffic in the liquors hereinbefore mentioned within the limits of said city should be vested in the said common council, and all fines, penalties, and revenue derived therefrom, should be paid into the city treasury, for the use of said city, any general law of the state of Minnesota to the contrary notwithstanding, *and provided* further, that all ordinances heretofore formed by the common council of said city, with reference to the matter[s] contained in this section, as hereby amended, shall, so far as they are not in conflict with the constitution and laws of the state, have the force of law in said city.

Relating to licenses.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 27, 1872.

CHAPTER XXXIII.

February 21,
1873

An Act to Amend an act entitled "an act to incorporate the Village of Caledonia."

- SECTION 1. Amendment to section 1 of chapter 8, special laws of 1870, relating to the incorporation of the village.
2. Amendment of section 2 of said act, relating to the boundaries.
 3. Amendment to section 10, relating to fines and penalties.
 4. When act to take effect

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter eight of the special laws of A. D. 1870, be amended so as to read as follows:

Incorporation
of the village.

Section 1. All that part of the townships of Caledonia and Mayville in the county of Houston and state of Minnesota hereinafter described shall be known and constitute the village of Caledonia and as such corporation shall have all the powers generally possessed by municipal corporations at common law and in addition thereto shall possess the powers hereinafter granted and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal alterable at pleasure. Every grant and devise of lands or right or transfer of property which has been or may be made for the benefit of its inhabitants shall have the same effect as if made to the village by name.

SEC. 2. That section two (2) of said chapter eight (8) is hereby amended so as to read as follows:

Boundaries.

Sec. 2. The territory included in said village of Caledonia shall be section thirteen (13), east half of section fourteen (14), north half of section twenty-four (24) and north-east quarter of section (23) in township No. one hundred and two (102) north of range six (6) west, and the west half of the west half of section eighteen (18) and the west half of the north-west quarter of section nineteen (19) in township one hundred and two (102) north of range five (5) west of the fifth principal meridian and lying in Houston county in the state of Minnesota.

SEC. 3. That section (10) of said chapter eight (8) is hereby amended so as to read as follows:

Sec. 10. All fines, penalties and forfeitures may be sued for by the trustees of said village or by any other person—
 if before such action is brought he shall give security for the costs of such action, in the name of "The Village of Caledonia," and the same shall belong to said village, and all penalties and forfeitures recovered and fines imposed by the justice of the peace of said village, shall be paid to the treasurer of said village for the use of said village by said justice of the peace, within ten days after the said penalties and forfeitures are recovered or fines are imposed, and the village treasurer shall give to said justice duplicate receipts therefor, one of which the said justice shall file within ten days thereafter with the village clerk. Any neglect or failure of said justice to pay over said moneys to said village treasurer as above prescribed shall be deemed a misdemeanor in office.

Fines and penalties.

If the accused is committed to jail, the penalties or fines may be paid to the village constable of the sheriff of the county of Houston, who shall immediately thereafter pay the same to the village treasurer.

Any excess of revenue of said village over and above the current expenses of said village, may be used or disposed of as a majority of the legal voters of said village may determine at any meeting legally called.

The expense of opening and grading new streets, and of paving or building, or repairing or maintaining sidewalks on streets or alleys, may be chargeable to the lots fronting on such improvements, or paid in whole or in part from the general fund of said village, at the discretion of the village trustees.

SEC. 4. This act shall take effect and be in force from and after its passage..

When act to take effect.

Approved Feb. 21, 1872.

CHAPTER XXXIV.

February 29,
1873.

An Act to amend Chapter One, of the Special Laws of 1871, entitled "An Act to amend an act entitled an act to incorporate the Village of Austin, approved, March 6, 1868, and all acts amendatory thereof."

- SECTION 1. Amendment to section 3 of chapter 1 of special laws of 1871, relating to the officers of the village.
2. Amendment to section 6 of chapter 2, relating to the organization of the council.
 3. Amendment to section 7 of chapter 2, relating to elections.
 4. Amendment to section 10 of chapter 2, relating to the salaries of officers.
 5. Amendment to section 11 of chapter 3, relating to constables.
 6. Amendment to section 14 of chapter 3, relating to highway labor.
 7. Amendment to section 19 of chapter 3, relating to auditing certain bills.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section 3, of chapter 1, of the Special Laws of 1871, is hereby amended so as to read as follows:

Section 3. The elective officers of said village of Austin shall be six (6) aldermen, three (3) justices of the peace, three (3) constables, one (1) assessor, one (1) street commissioner, one (1) village attorney, and three (3) road overseers.

Relating to the
officers of the
village.

The justices of the peace and constables shall hold their respective offices for the period of two years, and until their successors are elected and qualified. All other officers shall hold their respective offices for the period of one year and until their successors are elected and qualified. Two of said aldermen, one justice of the peace, one constable and one road overseer shall be elected in each ward of said village, and the street commissioner, village attorney and assessor shall be elected at large. All officers shall have resided in said village six months next preceding their election, and thirty days within their respective election precincts and shall be qualified electors of the State of Minnesota. Their term of office shall commence immediately after the annual village election.

SEC. 2. That section 6, of chapter 2, of said act be and the same is hereby amended so as to read as follows:

Section 6. The village council shall annually on the third Tuesday in March, meet and organize by choosing from their number, a president, a recorder and a treasurer, who shall hold their respective offices for the period of one year and until their successors are elected and qualified.

Relating to the
organization of
the council.

No member of the village council shall receive any compensation for his services except as hereinafter provided.

SEC. 3. That section 7, of chapter 2, of said act be and the same is hereby amended so as to read as follows:

Section 7. There shall be an annual election held in each ward of said village on the second Tuesday in March of each year, at which election the voters shall elect by ballot and by a plurality of votes, the elective officers of said village. Each ward shall be an election precinct, and an election poll shall be opened in each ward for the reception of votes at such places as shall be designated by the village council. Elections in said village shall be noticed, held and conducted in the same manner as town elections, and the laws of the state relative to general elections, canvassing votes and making returns, shall apply to all elections in said village except as hereinafter provided.

Relating to
elections.

The alderman in each ward shall, when present, act as two of the judges of election, and the third shall be appointed by a vote of the electors present.

Returns of all general elections for county, state and district officers shall be made to the county auditor within the time prescribed by the general laws of the state; and the returns of all village and special elections shall be made on the day of such election to the president of the village council, which council shall assemble at noon on the day next following, at the office of the village recorder, or at their customary place of meeting, and shall then and there publicly open and canvass the returns of votes polled at such election, and shall declare the result. The village recorder shall give at least ten (10) days' notice of the time and place of holding elections in each ward of said village by causing a notice thereof to be posted in three of the most public places in each ward, and by publishing the same one week in the official paper of the village.

All officers shall qualify immediately after their election, and if any officer fails to qualify for ten (10) days after his election, or if any officer removes from said village, the office to which he was elected shall become vacant, and may be filled by appointment made by the village council.

SEC. 4. Section 10, of chapter 2 of said act is hereby amended so as to read as follows:

Relating to the
salaries of offi-
cers.

Section 10. The aldermen of said village shall not receive any compensation for their services. The justices of the peace and constables shall receive the compensation prescribed by law for such officers. The recorder shall receive not to exceed fifty dollars per annum. The assessor not to exceed one hundred (100) dollars per annum; the village attorney not more than two hundred (200) dollars per annum, and each of the overseers of roads not more than [to exceed] fifty (50) dollars per annum.

Relating to
constables.

SEC. 5. Section 11, of chapter 3, of said act is hereby amended by striking out the word "marshal" from the first line and inserting in lieu thereof the word constables.

SEC. 6. Section 14, of chapter 3, of said act is hereby amended so as to read as follows:

Relating to
highway labor.

SEC. 14. The village council shall issue a warrant to each overseer of roads, signed by the president and countersigned by the recorder, particularly setting forth the amount of highway labor and tax assessed and levied upon each individual in his road district, and naming each person liable to pay a poll tax in said district, which said warrant with a correct and detailed report of all monies and labor collected thereon and the manner in which the same have been expended shall be returned and filed with the recorder within the time prescribed by the general laws of the state. When not otherwise provided in this act, the general laws of the state relating to working highways and the collection of highway taxes shall apply to said village. The road overseers shall expend the labor and money of their respective districts in an equitable and economical manner, and shall keep an accurate account of all receipts and expenditures and report the same to the common council or street commission[er] when called upon. Any resident of said village feeling himself aggrieved by the official conduct of any road overseer in the expenditure of money or labor, may make complaint in writing to the street commissioner, whose duty it shall be to immediately investigate the cause of such complaint, and if the allegations contained therein are found to be true, he shall, by order in writing, direct such overseer to discontinue and remove the subject of such grievance.

The street commissioner shall execute all ordinances and by-laws relating to the construction and repairing of side walks and bridges, building sewers, crossings and sluice ways, opening, grading or widening streets or alleys and

shall have the general supervision and control of all public parks or other grounds, and may fence, protect and ornament the same in such manner as the public interest may require and for all the purposes above named the road overseer shall be under his direction.

The village council shall perform the duties imposed by law on the supervisors of towns where it is not herein otherwise specially provided and in levying highway and poll taxes shall be governed and restricted in the amount so levied by the general laws of the state.

SEC. 7. Section 19, of said chapter 3, is hereby amended by adding thereto and at the end thereof the following: Bills for fees, costs and disbursements in all cases where fines, if imposed would be paid into the village treasury, shall be audited by the common council and if allowed shall be paid out of said treasury.

Relating to auditing certain bills.

SEC. 8. Section 9, of chapter 3, of said act is hereby amended so as to read as follows:

SEC. 9. It shall be the duty of the village attorney to prosecute or defend all actions to which the village of Austin is a party, to prosecute all criminal violations of village ordinances and by-laws and violations of laws regulating the sale of intoxicating liquors, and when required shall give his opinion in writing to the village council upon any matter relating to the municipal government of said village.

Relating to actions in which the village is a party.

SEC. 9. Sections 8, 18 and 21 of chapter 3, and section 5, of chapter 4, of said act and all acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER XXXV.

February 29,
1872.

An Act to Amend an act entitled "An Act to incorporate the City of Duluth Minnesota," approved March 4, A. D. 1870.

- SECTION 1. Amendment to section 2 of chapter 2 of the city charter relating to the elective officers.
2. Amendment to section 5 of the same chapter, relating to vacancies.
 3. Amendment to subdivision 3 of section 3 of chapter 4, relating to constructing canal.
 4. Repeal of part of sections 7 and 8, relating to election of city attorney and comptroller.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of chapter two (2) of an act entitled an act to incorporate the City of Duluth, Minnesota, approved March 4 1870, be and the same is hereby amended so as to read as follows:

Election of
officers.

"SEC. 2. The elective officers in said city shall be a mayor, treasurer, city comptroller, city attorney, and justice of the peace for the city, who shall be styled city justice, all of which said officers shall be residents within and qualified voters of said city, each ward shall elect annually one alderman, one justice of the peace, one constable, who shall hold their offices for two years and who shall be residents in and qualified voters of the ward for which they may be elected, except that at the first election hereunder there shall be elected in addition to the one alderman already prescribed, one other alderman who shall hold his office for one year and until his successor is elected and qualified."

SEC. 2. That section five (5) of the same chapter of the said act, be and hereby is amended so as to read as follows:

Vacancies.

"SEC. 5. Whenever a vacancy shall occur in any office such vacancy shall be filled by the common council. The person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the rights and subject to the same liabilities as the person whose office

he may be appointed to fill. Provided, that in the case of a vacancy occurring in the office of an alderman, said vacancy shall be filled by the electors of the ward in which the vacancy occurs, at the next general or city election, and it shall be the duty of the city clerk to give notice of the same in like manner as for other city or county officers. Provided further, that the common council may at their discretion fill said vacancy until next ensuing election.

Sec. 3. That the twenty second subdivision of section three (3) of chapter four (4) of the said act, be and the same is hereby amended so as to read as follows:

"Twenty second.—To construct or authorize any individual or corporation to construct canals connecting Lake Superior with Superior Bay, and dykes or dams across Superior Bay, connecting Minnesota Point with Rice's Point, and to use, lease, sell, transfer or dispose of such dikes or dams to any railway company or otherwise as they shall deem to be for the best interest of said city, also to construct docks, piers, or wharves in the lake harbor or Bay of Superior within said city, and to have a general supervision over the same, so as to secure uniformity of construction and freedom of navigation. Provided, that no wharfage, duties, or tolls shall be allowed or chargeable to any boat, vessel or craft landing at any dock, pier or wharf within said city.

Amendment to
subdivision 3.
Relating to
constructing
canal.

Sec. 4. That so much of section seven (7) and eight (8) of chapter three of said act as authorizes the common council to appoint or elect the city attorney and comptroller, is hereby repealed.

Election of city
attorney and
comptroller.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXXVI.

March 1, 1872. *An Act to Incorporate the Village of Blue Earth City, in the County of Faribault, and State of Minnesota.*

- SECTION 1. Boundaries and corporate powers.
2. The officers of the village.
 3. Duties of the treasurer, relating to drawing money from county treasurer.
 4. Duties of treasurer, relating to annual statement of moneys received and paid out.
 5. Authority and powers of the village council.
 6. Powers of the council relating to fines, penalties and punishments.
 7. Ordinances, rules and by-laws, how passed and made operative.
 8. Prosecutions for violations of ordinances, how commenced.
 9. Fines and penalties to be used for current expenses.
 10. Manner of holding first election.
 11. Annual meeting for election of officers.
 12. The notice to be given of the annual election.
 13. Authority to vote a tax for pound and village jail.
 14. Relating to the licensing of liquor dealers.
 15. Powers of village justice and constable.
 16. Relating to vacancies.
 17. Constituted one road district.
 18. Board of auditors.
 19. Annual meeting of the board of auditors.
 20. Report of the board.
 21. Report to be publicly read.
 22. Payment of audited accounts.
 23. Duties of village justice.
 24. Sidewalks, costs and expenses how paid.
 25. When council may order work to be done.
 26. All work exceeding \$50 to be done by contract.
 27. Appropriations over \$50 must be by vote of the village.
 28. Moneys for fines &c., to be paid into village treasury.
 29. Powers of the village council.
 30. Liability for bonds and other indebtedness incurred by township.
 31. Act to be submitted to the legal electors for adoption.
 32. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries
and corporate
powers.

SECTION 1. All that part of the township of Blue Earth City, in the county of Faribault, and state of Minnesota, included within the following described limits or boundaries, to-wit: All of section seventeen (17), in township one hundred and two (102), range twenty-seven (27), is hereby

constituted a village by the name and style of the village of Blue Earth City, and by that name the people now inhabiting and those who may hereafter inhabit the said district of country, shall be a municipal corporation, possessing all the powers incident to municipal corporations, at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all courts of law and equity, and may have a common seal.

SEC. 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace, and a constable, who shall hold their respective offices for one year or until their successors are elected and qualified, and before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota; also, an oath of office. The recorder shall act as treasurer and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account together with his vouchers to the village council at its annual meeting for adjustment and shall deliver all books and property belonging to his office, and the balance of all moneys in his hands as such treasurer and recorder, to his successor in office, on demand, after such successor has qualified according to law.

Village officers.

SEC. 3. The treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his village, and, on receipt of such moneys he shall deliver proper vouchers therefor.

Duties of treasurer.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing, of the moneys by him received into the village treasury from officers and other sources, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same, also to whom and for what purpose any moneys have been paid out by him with the amount and date of each payment, he shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall

Annual statement.

be filed by him in his office for the inspection of any person, and shall be carefully preserved and recorded in a book provided for that purpose.

Powers of
village council.

SEC. 5. The president, the three trustees and recorder shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, to-wit:

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots, respectively opposite and adjoining to such sidewalks or crossings.

Second.—To prevent riots, noise, disturbance of meetings or public assemblies whatever, to punish any person or persons who may be engaged in, or in any way connected with the same, and generally to promote and preserve good order and the public peace.

Third.—To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry and to authorize the impounding, distraining and sale of the same.

Fifth.—To prevent any person from bringing, depositing or having within the village any putrid carcass or other unwholesome substance and to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon, or from any street, lane, public square or alley, and in default to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

Seventh. To prevent all persons from doing any damage to the sidewalks.

Eighth.—To direct the location and management of slaughter houses and markets in said village and to regulate the sale, storage, conveying and keeping of gunpowder and other combustible materials.

Ninth.—To compel the owners, agents or lessees of any

hog-yard, or hog-pen, stable, privy, sewer, hide-yard, slaughter house, markets or any other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Powers of village council.

Tenth—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, boiler stacks, and apparatus used in and about any building, and to cause the same to be placed in a safe condition at the expense of the owner or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them into the street; to regulate and prevent the use of fire-works and fire arms, and to establish such regulations for the prevention and extinguishment of fires, as they may deem proper; also to adopt such regulations as they may deem expedient to prevent the introduction or spread of contagious diseases.

Eleventh—To establish the grades of streets, and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

Twelfth—To license public showmen or exhibitions, billiard tables and bowling alleys.

Thirteenth.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or mules, attached to vehicles while in the streets, and to regulate the places of bathing and swimming in water in the limits of the said village.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law. Provided, They are not repugnant to the constitution and laws of the United States and state of Minnesota. Fines, penalties and punishments may extend as follows, to wit: Fines not to exceed one hundred dollars nor imprisonment to exceed thirty days in the county or village jail—offenders may be required to give security for their good behavior and to keep the peace for a period not exceeding one year, in a sum not exceeding five hundred dollars.

Fines, penalties and punishments.

SEC. 7. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council and shall be signed by the president or chairman, attested by the recorder and published once in a newspaper published and printed in said village or posted conspicuously in

Ordinances, rules and by-laws.

three public places in said village for ten days before the same shall be in force and shall be recorded in a book kept for that purpose.

Prosecutions. SEC. 8. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act shall be brought in the name of the village of Blue Earth City, and shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had thereon as are required to be had by the laws of this state in criminal or civil actions before justices of the peace. Provided, No appeal shall be allowed in any case where the fine or penalty imposed is less than twenty dollars. The justice of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

Fines and penalties. SEC. 9. All fines and penalties imposed under or by virtue of the provisions of this act shall belong to the village of Blue Earth City and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

First election. SEC. 10. Any five citizens, being free-holders within the corporate limits of said village and having the qualifications requisite for electors of members of the state legislature, may at any time call a meeting of the electors thereof to elect officers, provided for in section two (2) of this act by posting a notice for ten days prior to the meeting at the post office and at two more public places within the limits of said village or by publishing the same for two weeks immediately preceding said election, in a paper published in said village, stating the object of the meeting and the time and place of holding the same and the electors present at the time and place may organize such meeting by choosing viva voce, two judges of electors and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them, and said judges and clerk being duly qualified shall forthwith open the polls by proclamation and conduct the election in the manner prescribed by the statutes of Minnesota for the election of township officers, and the judges of election shall give to each person elected a certificate of his election within five days after said election.

Election of officers. SEC. 11. After the first election of officers, the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the first Wednesday of April in each year, at such place in said village as the council may direct, and the polls shall be opened between the hours of ten (10) and eleven (11) o'clock in the forenoon and close at four (4) o'clock in the afternoon of

said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for that purpose, and within five days thereafter shall notify, in writing, the persons so elected of their election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers, by posting a notice of the same fourteen days immediately prior to the day of election at the post office, and at three or more public places in said village, or by publishing it for two weeks immediately prior to said election in a paper published in said village, and may at any time call a special meeting of the electors of the village, by posting or publishing a notice as provided in this section for the call of the annual meeting. *Provided*, no subject or question shall be considered or acted upon at any annual or special meeting unless it has been clearly stated in the notice for the call of such meeting.

Notice of annual election.

SEC. 13. The legal voters of said village, may, at any annual or special meeting, authorize the village council to levy a tax to build a pound, or to build a building or place for the confinement of persons arrested under the provisions of this act, and any such tax shall be levied and collected as prescribed by the statutes of this state for the levying and collecting of township taxes.

Pound and village jail.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors, within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes. *Provided*, that no license shall be granted for less than fifty dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

Licensing of liquor dealers;

SEC. 15. The justice of the peace and constable of said village shall have and may exercise in addition to the power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice

power of justice and constable.

of the peace or constable elected by the said township of Blue Earth City. The village justice and constable shall take the same oath of office and execute before entering upon the discharge of their duties as such officers, the same bonds and file the bonds with the same parties as justices of the peace and constables, elected by the said township of Blue Earth City are now or may be hereafter required to do, and shall receive the same fees for their services as justices of the peace and constables elected by the said township of Blue Earth City are allowed under the statutes of this state, and the constable may at any time under the direction of the president or a majority of the village council, call to his assistance any number of citizens sufficient to aid in the suppression of a riot or any public disturbance, or to aid him in making arrests.

Vacancies. SEC. 16. Should a vacancy occur in any of the offices provided for in this act, the village council are hereby authorized to fill the same by appointment.

Road district. SEC. 17. The village of Blue Earth City shall be a road district and all taxes raised within the limits of said village for building bridges or public highways or for repairing the same shall be expended under the direction of the village council. *Provided*, a village council is elected under the provisions of this act.

Board of auditors. SEC. 18. The village council shall constitute a village board of auditors for the purpose of auditing all accounts payable by said village and the recorder shall be clerk of said board and a member thereof.

Report of the board. SEC. 19. The said board of auditors shall meet annually on the Tuesday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing and settling all charges against the said village, and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same and the nature thereof.

To be publicly read. SEC. 20. Said board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account and the name of the person to whom such account was allowed including a statement of the fiscal concerns of the village.

SEC. 21. Such report shall be produced and publicly read by the clerk of the said board at the next ensuing village election, and the whole or a part of such report may be referred by the order of the meeting to a committee of three

whose duty it shall be to examine the report and report thereon to such meeting.

SEC. 22. The amounts of any account audited and allowed by the board of auditors, and the amount of any account voted to be allowed by any meeting of the voters of said village shall be paid by the village treasurer on the order of the said board signed by the president and countersigned by the clerk of the said board and all orders issued to any person by such board for any sum of money due from said village shall be received in payment of village taxes of said village.

Payment of
accounts.

SEC. 23. The village justice shall report quarterly to the village council all the proceedings instituted before him in which the village is interested and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him belonging to said village, and said justice shall be entitled to receive from the county of Faribault such fees in criminal cases occurring without the village as are allowed to other justices in the county for similar purposes.

Village justice.

SEC. 24. The cost and expense of building, grading, paving or repairing sidewalks shall be at the option of the village council chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village they may notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks to construct or repair the same at his or their own proper expense and charge within a certain time designated by delivering to the owners or occupants of said lot or lots or parcels of land or by publication in a newspaper printed and published in said village for not less than two weeks of a notice to said owners or occupants, setting forth what work is to be done and the character of the same by such owners or occupants and the time within which they are required to do the same.

Sidewalks.

SEC. 25. If such work is not done and the said sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them and said assessment so made and returned if approved by the common council shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

When work
may be done.

SEC. 26. All the work for said village exceeding fifty

Work to be let
by contract.

dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the village council otherwise determine. *Provided*, That they shall have power to reject all unreasonable bids.

Appropriations
to be voted for.

SEC. 27. No moneys shall be appropriated to any purpose whatever except and not exceeding the sum of fifty dollars, unless it is expressly authorized by a vote of the legal voters of said village.

Fines to be paid
into treasury.

SEC. 28. All moneys arising from fines, commutations, licenses, etc., shall be paid into the village treasury.

Powers of vil-
lage council.

SEC. 29. The village council shall have power and authority:

First.—To regulate the place and manner of selling, and to provide for the inspection and weight of hay and coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Second.—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, streets, alleys opposite thereto; and in their default, by some officer of the village at the expense of such owners or occupants.

Fourth.—To regulate and license public auctions or vendues.

Fourth.—To provide by ordinance for a standard of weights and measures, the appointment of a village sealer, and to provide for the punishment for the use of false weights and measures.

Liable for town
indebtedness.

SEC. 30. The said village of Blue Earth City shall be liable for its proportionate share and interest of any bonds or other indebtedness which has been or may be voted or incurred by the township of Blue Earth City for any purpose whatever prior to the time when this act shall take effect or be enforced.

Act to be sub-
mitted to legal
electors.

SEC. 31. This act shall be submitted to a vote of the legal electors of the town of Blue Earth City, for their ratification or rejection at the next town election ensuing after the passage of this act. The ballots shall have written or printed thereon the words, "For Village Charter," or the words, "Against Village Charter," and the votes so cast shall be counted, returned and canvassed in the same manner as the votes for town officers at the spring elections, and if upon such canvass it shall be found that a majority of all the

ballots cast at such election had the words "For City Charter," written or printed thereon, then this act shall be in full force and effect, otherwise it shall be void.

Sec. 32. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved March 1, 1872.

CHAPTER XXXVI.

March 1, 1872. *An Act to Incorporate the Village of Blue Earth City, in the County of Faribault, and State of Minnesota.*

SECTION 1. Boundaries and corporate powers.

2. The officers of the village.
3. Duties of the treasurer, relating to drawing money from county treasurer.
4. Duties of treasurer, relating to annual statement of moneys received and paid out.
5. Authority and powers of the village council.
6. Powers of the council relating to fines, penalties and punishments.
7. Ordinances, rules and by-laws, how passed and made operative.
8. Prosecutions for violations of ordinances, how commenced.
9. Fines and penalties to be used for current expenses.
10. Manner of holding first election.
11. Annual meeting for election of officers.
12. The notice to be given of the annual election.
13. Authority to vote a tax for pound and village jail.
14. Relating to the licensing of liquor dealers.
15. Powers of village justice and constable.
16. Relating to vacancies.
17. Constituted one road district.
18. Board of auditors.
19. Annual meeting of the board of auditors.
20. Report of the board.
21. Report to be publicly read.
22. Payment of audited accounts.
23. Duties of village justice.
24. Sidewalks, costs and expenses how paid.
25. When council may order work to be done.
26. All work exceeding \$50 to be done by contract.
27. Appropriations over \$50 must be by vote of the village.
28. Moneys for fines &c., to be paid into village treasury.
29. Powers of the village council.
30. Liability for bonds and other indebtedness incurred by township.
31. Act to be submitted to the legal electors for adoption.
32. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries
and corporate
powers.

SECTION 1. All that part of the township of Blue Earth City, in the county of Faribault, and state of Minnesota, included within the following described limits or boundaries, to-wit: All of section seventeen (17), in township one hundred and two (102), range twenty-seven (27), is hereby

constituted a village by the name and style of the village of Blue Earth City, and by that name the people now inhabiting and those who may hereafter inhabit the said district of country, shall be a municipal corporation, possessing all the powers incident to municipal corporations, at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all courts of law and equity, and may have a common seal.

SEC. 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace, and a constable, who shall hold their respective offices for one year or until their successors are elected and qualified, and before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota; also, an oath of office. The recorder shall act as treasurer and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account together with his vouchers to the village council at its annual meeting for adjustment and shall deliver all books and property belonging to his office, and the balance of all moneys in his hands as such treasurer and recorder, to his successor in office, on demand, after such successor has qualified according to law.

Village officers.

SEC. 3. The treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his village, and, on receipt of such moneys he shall deliver proper vouchers therefor.

Duties of treasurer.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing, of the moneys by him received into the village treasury from officers and other sources, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same, also to whom and for what purpose any moneys have been paid out by him with the amount and date of each payment, he shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall

Annual statement.

be filed by him in his office for the inspection of any person, and shall be carefully preserved and recorded in a book provided for that purpose.

Powers of
village council.

SEC. 5. The president, the three trustees and recorder shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, to-wit:

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots, respectively opposite and adjoining to such sidewalks or crossings.

Second.—To prevent riots, noise, disturbance of meetings or public assemblies whatever, to punish any person or persons who may be engaged in, or in any way connected with the same, and generally to promote and preserve good order and the public peace.

Third.—To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry and to authorize the impounding, distraining and sale of the same.

Fifth.—To prevent any person from bringing, depositing or having within the village any putrid carcass or other unwholesome substance and to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon, or from any street, lane, public square or alley, and in default to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

Seventh. To prevent all persons from doing any damage to the sidewalks.

Eighth.—To direct the location and management of slaughter houses and markets in said village and to regulate the sale, storage, conveying and keeping of gunpowder and other combustible materials.

Ninth.—To compel the owners, agents or lessees of any

hog-yard, or hog-pen, stable, privy, sewer, hide-yard, slaughter house, markets or any other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Powers of village council.

Tenth—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, boiler stacks, and apparatus used in and about any building, and to cause the same to be placed in a safe condition at the expense of the owner or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them into the street; to regulate and prevent the use of fire-works and fire arms, and to establish such regulations for the prevention and extinguishment of fires, as they may deem proper; also to adopt such regulations as they may deem expedient to prevent the introduction or spread of contagious diseases.

Eleventh—To establish the grades of streets, and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

Twelfth—To license public showmen or exhibitions, billiard tables and bowling alleys.

Thirteenth.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or mules, attached to vehicles while in the streets, and to regulate the places of bathing and swimming in water in the limits of the said village.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law. Provided, They are not repugnant to the constitution and laws of the United States and state of Minnesota. Fines, penalties and punishments may extend as follows, to wit: Fines not to exceed one hundred dollars nor imprisonment to exceed thirty days in the county or village jail—offenders may be required to give security for their good behavior and to keep the peace for a period not exceeding one year, in a sum not exceeding five hundred dollars.

Fines, penalties and punishments.

SEC. 7. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council and shall be signed by the president or chairman, attested by the recorder and published once in a newspaper published and printed in said village or posted conspicuously in

Ordinances, rules and by-laws.

three public places in said village for ten days before the same shall be in force and shall be recorded in a book kept for that purpose.

Prosecutions.

SEC. 8. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act shall be brought in the name of the village of Blue Earth City, and shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had thereon as are required to be had by the laws of this state in criminal or civil actions before justices of the peace. Provided, No appeal shall be allowed in any case where the fine or penalty imposed is less than twenty dollars. The justice of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

Fines and penalties.

SEC. 9. All fines and penalties imposed under or by virtue of the provisions of this act shall belong to the village of Blue Earth City and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

First election.

SEC. 10. Any five citizens, being free-holders within the corporate limits of said village and having the qualifications requisite for electors of members of the state legislature, may at any time call a meeting of the electors thereof to elect officers, provided for in section two (2) of this act by posting a notice for ten days prior to the meeting at the post office and at two more public places within the limits of said village or by publishing the same for two weeks immediately preceding said election, in a paper published in said village, stating the object of the meeting and the time and place of holding the same and the electors present at the time and place may organize such meeting by choosing viva voce, two judges of electors and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them, and said judges and clerk being duly qualified shall forthwith open the polls by proclamation and conduct the election in the manner prescribed by the statutes of Minnesota for the election of township officers, and the judges of election shall give to each person elected a certificate of his election within five days after said election.

Election of officers.

SEC. 11. After the first election of officers, the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the first Wednesday of April in each year, at such place in said village as the council may direct, and the polls shall be opened between the hours of ten (10) and eleven (11) o'clock in the forenoon and close at four (4) o'clock in the afternoon of

said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for that purpose, and within five days thereafter shall notify, in writing, the persons so elected of their election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers, by posting a notice of the same fourteen days immediately prior to the day of election at the post office, and at three or more public places in said village, or by publishing it for two weeks immediately prior to said election in a paper published in said village, and may at any time call a special meeting of the electors of the village, by posting or publishing a notice as provided in this section for the call of the annual meeting. *Provided*, no subject or question shall be considered or acted upon at any annual or special meeting unless it has been clearly stated in the notice for the call of such meeting.

Notice of annual election.

SEC. 13. The legal voters of said village, may, at any annual or special meeting, authorize the village council to levy a tax to build a pound, or to build a building or place for the confinement of persons arrested under the provisions of this act, and any such tax shall be levied and collected as prescribed by the statutes of this state for the levying and collecting of township taxes.

Pound and village jail.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors, within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes. *Provided*, that no license shall be granted for less than fifty dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

Licensing of liquor dealers:

SEC. 15. The justice of the peace and constable of said village shall have and may exercise in addition to the power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice

power of justice and constable.

of the peace or constable elected by the said township of Blue Earth City. The village justice and constable shall take the same oath of office and execute before entering upon the discharge of their duties as such officers, the same bonds and file the bonds with the same parties as justices of the peace and constables, elected by the said township of Blue Earth City are now or may be hereafter required to do, and shall receive the same fees for their services as justices of the peace and constables elected by the said township of Blue Earth City are allowed under the statutes of this state, and the constable may at any time under the direction of the president or a majority of the village council, call to his assistance any number of citizens sufficient to aid in the suppression of a riot or any public disturbance, or to aid him in making arrests.

Vacancies. SEC. 16. Should a vacancy occur in any of the offices provided for in this act, the village council are hereby authorized to fill the same by appointment.

Road district. SEC. 17. The village of Blue Earth City shall be a road district and all taxes raised within the limits of said village for building bridges or public highways or for repairing the same shall be expended under the direction of the village council. *Provided*, a village council is elected under the provisions of this act.

Board of auditors. SEC. 18. The village council shall constitute a village board of auditors for the purpose of auditing all accounts payable by said village and the recorder shall be clerk of said board and a member thereof.

Report of the board. SEC. 19. The said board of auditors shall meet annually on the Tuesday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing and settling all charges against the said village, and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same and the nature thereof.

To be publicly read. SEC. 20. Said board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account and the name of the person to whom such account was allowed including a statement of the fiscal concerns of the village.

SEC. 21. Such report shall be produced and publicly read by the clerk of the said board at the next ensuing village election, and the whole or a part of such report may be referred by the order of the meeting to a committee of three

whose duty it shall be to examine the report and report thereon to such meeting.

SEC. 22. The amounts of any account audited and allowed by the board of auditors, and the amount of any account voted to be allowed by any meeting of the voters of said village shall be paid by the village treasurer on the order of the said board signed by the president and countersigned by the clerk of the said board and all orders issued to any person by such board for any sum of money due from said village shall be received in payment of village taxes of said village.

Payment of
accounts.

SEC. 23. The village justice shall report quarterly to the village council all the proceedings instituted before him in which the village is interested and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him belonging to said village, and said justice shall be entitled to receive from the county of Faribault such fees in criminal cases occurring without the village as are allowed to other justices in the county for similar purposes.

Village justice.

SEC. 24. The cost and expense of building, grading, paving or repairing sidewalks shall be at the option of the village council chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village they may notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks to construct or repair the same at his or their own proper expense and charge within a certain time designated by delivering to the owners or occupants of said lot or lots or parcels of land or by publication in a newspaper printed and published in said village for not less than two weeks of a notice to said owners or occupants, setting forth what work is to be done and the character of the same by such owners or occupants and the time within which they are required to do the same.

Sidewalks.

SEC. 25. If such work is not done and the said sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them and said assessment so made and returned if approved by the common council shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

When work
may be done.

SEC. 26. All the work for said village exceeding fifty

Work to be let by contract. dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the village council otherwise determine. *Provided*, That they shall have power to reject all unreasonable bids.

Appropriations to be voted for. SEC. 27. No moneys shall be appropriated to any purpose whatever except and not exceeding the sum of fifty dollars, unless it is expressly authorized by a vote of the legal voters of said village.

Fines to be paid into treasury. SEC. 28. All moneys arising from fines, commutations, licenses, etc., shall be paid into the village treasury.

Powers of village council. SEC. 29. The village council shall have power and authority:

First—To regulate the place and manner of selling, and to provide for the inspection and weight of hay and coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Second.—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, streets, alleys opposite thereto; and in their default, by some officer of the village at the expense of such owners or occupants.

Fourth.—To regulate and license public auctions or vendues.

Fourth.—To provide by ordinance for a standard of weights and measures, the appointment of a village sealer, and to provide for the punishment for the use of false weights and measures.

Liabie for town indebtedness. SEC. 30. The said village of Blue Earth City shall be liable for its proportionate share and interest of any bonds or other indebtedness which has been or may be voted or incurred by the township of Blue Earth City for any purpose whatever prior to the time when this act shall take effect or be enforced.

Act to be submitted to legal electors. SEC. 31. This act shall be submitted to a vote of the legal electors of the town of Blue Earth City, for their ratification or rejection at the next town election ensuing after the passage of this act. The ballots shall have written or printed thereon the words, "For Village Charter," or the words, "Against Village Charter," and the votes so cast shall be counted, returned and canvassed in the same manner as the votes for town officers at the spring elections, and if upon such canvass it shall be found that a majority of all the

ballots cast at such election had the words "For City Charter," written or printed thereon, then this act shall be in full force and effect, otherwise it shall be void.

Sec. 32. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved March 1, 1872.

CHAPTER XXXVII.

February 27, .
1872.

An Act to Amend Chapter Eight of the Special Laws of the year of Our Lord 1867, entitled An Act to reduce the act incorporating the City of Rochester, in the county of Olmstead and the state of Minnesota and the several acts amendatory thereof, and the act to organize a board of education for the City of Rochester, and the several acts amendatory thereof, to One Act, and to Amend the same by adding An Additional Section to said Chapter Eight.

SECTION 1. Amendment to section 13 of chapter 8 of Special Laws of 1867, relating to the board of education.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Powers of
board of
education.

SECTION 1. Section 13. The board of education shall annually on the first Monday of February of each and every year, make a detailed report to the common council of said city of the receipts and expenditures of said board for the preceding year, ending Dec. 31st, and showing in such report the amount of outstanding indebtedness in orders or bonds or both and the accrued interest thereon.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its approval and publication.

Approved February 27 1872.

CHAPTER XXXVIII.

An Act to Amend an act entitled "An Act to incorporate certain towns in this Territory," approved May 23d, A. D. 1857.

February 29,
1872.

SECTION 1. Amendment to section 65 of Special Laws of 1857, relating to levy of taxes in certain towns.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section sixty-five [65] of an act entitled "An Act to incorporate certain towns in this Territory," approved May twenty-third, (23d) A. D. 1857, be and the same is hereby amended so as to read as follows:

Relating to
taxes.

SEC. 65. For the purpose of enabling the town council of each of said towns, to carry into effect the provisions of this act, they are hereby authorized and empowered to tax by general and special assessment, all the property within their respective limits, made taxable by the laws of this Territory: Provided that said tax shall not exceed in any one year five per cent of the last assessed valuation of said property.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29 1872

CHAPTER XXXIX.

February 29, 1872. *A Bill to change the Name of the Village of "Greenfield" in the County of Wabasha, to that of "Kellogg."*

SECTION 1 Change of name of village.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Changes name
of village.

SECTION 1. That the name of the village of "Greenfield" in the township of Greenfield, in the County of Wabasha and State of Minnesota, be and the same is hereby changed to that of "Kellogg," by which name it shall hereafter be known and designated in all conveyances of real estate therein and for all other purposes.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after the tenth day of March, A. D. 1872.

Approved February 29 1872.

CHAPTER XL.

An Act to Amend an Act entitled "An Act to Amend and Revise Chapter Thirty-one of the Special Laws of One Thousand Eight Hundred and Sixty-Eight, entitled an Act to Incorporate the Village of Waseca," Approved February 23, 1871.

February 29,
1872.

SECTION 1. Amendment to section 2 of chapter 4 of the Special Laws of 1871, relating to the boundaries of the town.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of chapter four (4) of the Special Laws of 1871, be amended so as to read as follows:

Section 2. All of the north half ($n\frac{1}{2}$) of section seven-
teen (17) and the north-east quarter ($ne\frac{1}{4}$) and the east half
($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of section eighteen (18)
and the south half ($s\frac{1}{2}$) of sections seven and eight (7 and 8)
in township one hundred and seven (107) north, of range
twenty-two (22) west, in Waseca county, in the state of Min-
nesota, shall be known as the village of Waseca, and by
that name may sue and be sued, make contracts, purchase,
take and hold, real and personal estate and property, and
have a corporate seal, alterable at pleasure. Every grant
and devise of lands, or right or transfer of property, which
may have been, or may be made, for the benefit of its in-
habitants, shall have the same effect as if made to the vil-
lage by name.

Boundaries.

Approved February 29, 1872.

CHAPTER XLI.

February 27,
1872.

An Act to amend Chapter Twenty-Four of the Special Laws of 1871, entitled "An Act to amend an act entitled an act to incorporate the village of East Janesville," approved February 28, 1870.

SECTION 1. Amendment to section 1 of chapter 24 of Special Laws of 1871, relating to the boundaries of the town.

2. Repeal of chapter 24.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section one of chapter twenty-four of the Special Laws of 1871 is hereby amended so as to read as follows:

Boundaries.

Section 1. All of section twenty-six, except the north half of the northeast quarter thereof, and the south half of section twenty-seven, the southeast quarter of section twenty-eight, the east half of section thirty-three, all of sections thirty-four and thirty-five, in township one hundred and eight north, of range twenty-four west, and the northeast quarter of section four, and all of section three, in township one hundred and seven north, of range twenty-four west in Waseca county, Minnesota, shall be known as the village of East Janesville, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure; and every grant and devise of lands, or right or transfer of property which has been or may be made for the benefit of its inhabitants, shall have the same effect as if made to the village by name.

Repeal; of
chapter 24.

SEC. 2. Chapter twenty-four of the Special Laws of 1871 is hereby repealed.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER XLII.

An Act to amend Chapter Five of the Special Laws of 1871, entitled an Act to incorporate the Village of Preston.

February 29,
1872.

- SECTION 1. Amendment to section 3 of chapter 5 of Special Laws of 1871, by substituting the word aldermen for councilmen.
2. Amendment to section 7 of the same act, increasing number of aldermen.
3. Amendment to subdivision 11 of section 2 of chapter 4 of the same act relating to damage to trees and shrubbery.
4. Amendment to subdivision 17 of section 2, relating to sidewalks.
5. When to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section 3, of chapter 5, of Special Laws of 1871, be amended by striking out the word "councilmen" in the second line of said section and inserting in lieu thereof the word "*aldermen*."

Substitutes the word alderman for councilman.

SEC. 2. That section seven (7) of said act be amended by striking out the word "three" in the fifth line of said section and inserting the word "five" in lieu thereof.

Increasing the number of aldermen.

SEC. 3. That subdivision 11 of section 2 of chapter 4 of said act be amended by adding thereto the words, "trees and shrubbery."

Relating to damage to trees and shrubbery.

SEC. 4. That subdivision 17 of said section 2, be amended by inserting between the words "streets" and "avenues" the word "sidewalks."

Relating to sidewalks.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER XLIII.

March 1, 1872. *An Act to Amend the Charter of the City of Owatonna.*

- SECTION 1. Amendment to section 2 of chapter 7 of city charter, relating to tax levy.
 2. Additional section relating to road tax.
 3. Amendment to section 19 of chapter 11, relating to compensation of city officers.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section two of chapter seven of the City Charter of the City of Owatonna is hereby amended so as to read as follows :

Relating to
tax levy.

Section 2. The said council shall have power to annually levy a tax upon all the property in said city subject to taxation, not exceeding in the aggregate five hundred dollars per annum. That every male inhabitant being over twenty-one (21) years and under the age of fifty (50) years, excepting paupers, idiots, lunatics, and such others as are exempt by law, shall be assessed a capitation or poll tax of two days work in each year upon the highways, streets, alleys, or bridges within the city under the direction of the Street Commissioners. All persons liable to pay such capitation or poll tax may in lieu of work, pay to the Street Commissioner one dollar and fifty cents per day, and the Street Commissioner shall expend all moneys so received on the streets, highways, alleys or bridges, under the direction of the common council.

SEC. 2. There shall be added to said chapter seven another section, which shall be as follows, viz.:

Road tax.

Section 3. Said common council shall have power to levy a tax on the taxable real property of said city for road and street purposes to an amount not exceeding fifty cents on each one hundred dollars of the assessed value of such real property to be expended on the streets, highways, alleys or bridges of said city under the direction of the common council.

SEC. 3. That section nineteen (19) of chapter eleven (11) of said charter be and the same is hereby amended so as to read as follows :

Section 19. The officers of said city shall not be entitled to or receive any compensation for their services except as in this act provided. The aldermen shall be entitled to the same compensation as is now allowed by law to inspectors of election for services as such inspectors, to be paid by said city for any special or general election held by authority of the State or county. The street commissioner shall be entitled to two dollars and fifty cents per day for all services required by this act, but shall be paid from moneys arising from assessments for improvements and their compensation shall be included in such assessment.

Compensation
of officers

Approved March 1, 1872.

CHAPTER XLIV.

An Act entitled an Act to Amend Chapter Fifty-four of Special Laws of 1871, relating to corporation of the village of Preston.

February 29,
1872.

SECTION 1. Amendment to section 3 of chapter 54 of Special Laws of 1871, authorizing
a larger issue of railroad bonds.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section 3 of chapter 54 of the Special Laws of 1871 be amended by striking out the word "fifteen," in the fourth line of said section and inserting in lieu thereof the word "fifty."

Authorizes
larger issue of
railroad bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29, 1872.

CHAPTER XLV.

February 14,
1872.

An Act enabling the Towns, Villages and Cities in the counties of Winona, Houston, Fillmore and Olmsted to aid in the Construction of a Railroad from the city of Winona to the State line of Iowa, by Subscription to the capital stock of any corporation or company building said railroad, or by Donations of money or bonds of such cities, and providing for the Payment of such subscriptions or bonds and interest by taxation.

SECTION 1. Authorizes cities, villages or townships in certain counties to aid in the construction of railroads.

2. Authorizes the officers of any incorporated city or village, or town supervisors, to call a special election upon petition therefor, asking that a tax be levied.
3. Relating to receipts of tax money and expenditures of the railroad company within the localities voting the aid.
4. Authorizes a special election upon a petition asking for an issue of special bonds.
5. Authorizes a special election upon a petition asking a subscription to the capital stock, and the issue of bonds to pay therefor.
6. In the case of failure to vote favorably upon any proposition, the same may be submitted a second time.
7. Cities or towns voting aid, must provide by taxation to meet principal and interest.
8. Railroads receiving aid declared to be for public use.
9. Qualifications of voters at these special elections.
10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Aid in construction of railroads.

SECTION 1. That it shall be lawful for any city, incorporated village or township, in either of the counties of Winona, Houston, Fillmore or Olmsted, to aid in the construction of any projected railroad which shall start at the city of Winona, in said county of Winona, and extend to the north boundary line of the state of Iowa, in either of the modes hereinafter provided.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated

city or village, or the supervisors of any township in such counties, signed by twenty-five of the resident tax payers of such city, village, or town, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election by publication in some newspaper published in the county and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition, having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No." The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the modes of conducting town and city elections in ordinary cases. And if a majority of the votes polled at any such elections shall be in favor of the proposed tax, the supervisors of the town, or the council or other municipal authorities of the city or village as the case may be, shall forthwith certify to the auditor of the county the fact, and the amount of the tax thus voted by such town, village or city. And the board of county commissioners of the county, shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns or villages, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per centum of the assessed value of the taxable property of said town, city or village, as it appears on the assessment roll whereon the tax is levied.

Special election to levy tax

Receipts of tax
money within
localities vot-
ing aid.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out by the county treasurer upon the orders of the president or managing director of the railroad company whose road such tax has been voted to aid, which orders shall be accompanied by sworn estimates of the engineer in charge of the work on such road, showing that at least double the amount of such orders has been expended for the construction of such road in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by a majority of the supervisors of the town or of the council or other municipal authorities of the city or village voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders. And it is hereby expressly provided that no part of the funds raised under the foregoing provisions of this act shall be expended in any other towns, villages or cities than those specified in the notice of election. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited and they shall be repaid by the county treasurer to the persons from whom they were collected.

Authorizes
special election
for issue of
special bonds.

SEC. 4. Whenever instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided a petition asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village desired to be furnished as such aid be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village or the supervisors of such town to immediately give notice of a special election by publication and notice as specified in section two (2) of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or village shall be submitted to the legal voters of said town, village or city to be determined by ballot, those in favor of

the proposition having written or printed on their ballots the words "railroad bonds, yes," and those opposing the measure having written or printed on their ballots the words "railroad bonds, no." The election shall be conducted and votes canvassed in the same manner as above provided in case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities as the case may be, attested by the signature of the town clerk, city or village recorder or clerk, and the corporate seal if there be one, running to the said railroad company or bearer, the special bonds of said city, village or town to the aggregate amount so voted which shall be in such sums not less than one hundred dollars nor exceeding one thousand dollars each, having not exceeding twenty years to run, and drawing interest not exceeding seven per cent. per annum, the amount of each rate of interest and times and place and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective supervisors and councils or other municipal authorities issuing them, or causing them to be issued. And such bonds may have interest coupons attached and may be substantially in the following form or similar thereto, viz:

Authorizes
special election
for issue of
special bonds.

STATE OF MINNESOTA, \$1,000.

No. _____ *Town or City of* _____

Know all men by these presents, That the City or Town of _____ in _____ County, State of Minnesota, is indebted to the _____ Railroad Company of the State of Minnesota, or bearer, in the sum of One Thousand Dollars, which they promise to pay to the bearer hereof on the 1st day of _____ in the city of New York, with interest thereon from the 1st day of _____ at the rate of _____ per centum per annum, payable semi-annually at the _____ in the City of New York, on the first day of _____ in each year, on the presentation and surrender of the annexed coupons, as they severally become due.

This bond is one of a series of like tenor and date, issued by the Town of _____ or City of _____ to the amount of _____ to aid in the construction of a railroad from _____

In witness whereof, the Town of _____ or City of _____ has caused this bond to be sealed, signed and

delivered in their corporate name, by order of the City Council of said city or Supervisors of said town, pursuant to their resolutions in this respect passed.

[L. s.] The City of _____ or Town of _____
 By _____ Attest: _____ Mayor or Supervisors—
 City Recorder or Town Clerk.

[L. s.] [The City of _____ or Town of _____
 By _____ Mayor or Supervisors.
 _____ City Recorder or Town Clerk.]

Subscription to
 capital stock.

SEC. 5. Whenever, instead of the petitions provided for in the second or fourth sections of this act, there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for, and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city to immediately give notice of a special election by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village or city, and the amount of bonds proposed to be issued to pay for such stock, at which election (the question of subscribing for the stock of said railroad company,) and of the issuing to said railroad company in payment therefor the proposed amount of the bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot; those in favor of the proposition to have written or printed on their ballots the words "Subscription for Railroad Stock—Yes," and those opposed to it having written or printed on their ballots the words "Subscription for Railroad Stock—No." The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such township, or the council or other municipal authorities of such

village or city, to subscribe for in the name of such town, village or city, an amount of the capital stock of such railroad company equal to the amount so voted, and for the purpose of paying therefor to issue or cause to be issued in the name of such township, village or city, an amount of the special bonds of such township, village or city, equal in the aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bond shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act.

Subscription to capital stock.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment thereof; *provided*, however, that the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. And provided further, that nothing herein contained shall be construed to authorize the city of Winona to issue bonds, under sections four and five of this act, to an amount exceeding in the aggregate "one hundred and fifty thousand dollars," or the town of Chatfield over "thirty thousand dollars," or any other town or village an amount exceeding in the aggregate ten per cent. of the assessed valuation of the property of such town or village, as shall appear from the assessment of 1871.

The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign or otherwise dispose of any such stock as fully as a natural person, *provided*, however, that the supervisors of any town, or the council or other municipal authorities of any village or city, shall not have power to sell, assign or dispose of any such stock unless first authorized so to do by a vote of the legal voters of such town, village or city.

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds or subscription for stock as aforesaid and the same has been voted down in any town, city or village, the same question upon a new petition may again be submitted not less than *one month* subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive.

Failure to vote favorably, same proposition may be submitted second time.

SEC. 7. Every town and incorporated city or village issuing or delivering its bonds as aforesaid shall provide by taxation and otherwise for the punctual payments thereof, principal and interest as they become due.

Tax to meet principal and interest.

Aid to railroad
for public use.

SEC. 8. The public use and benefits of the above mentioned railroad or railroads is hereby declared.

Qualifications
of voters.

SEC. 9. No person shall be allowed to vote on the questions submitted in this act unless in addition to the other qualifications prescribed by law, he shall for three months next preceding such election have been a resident of the city, village or town within which he shall offer his vote.

When act to
take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 14, 1872.

CHAPTER XLVI.

February 29,
1872

An Act to authorize Townships, Cities and [Incorporated] Villages in Faribault County to vote a five per cent. tax to aid in the construction of Railroads.

SECTION 1. Authorizes townships, cities and villages to aid in construction of railroads.

2. Authorizes special election upon petition, asking that tax be levied.

3. Taxes collected to be paid out of the treasury upon order of president or managing director of railroad.

4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Aid in con-
struction of
railroads.

SECTION 1. That it shall be lawful for any city or incorporated village or township, in the county of Faribault, to aid in the construction of any proposed railroad into or through said county as hereinafter provided.

Special elec-
tion.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated city or village or the town clerk of any township in said county, signed by at least fifteen [15] of the resident taxpayers of such city, village or township, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount desired to be furnished as such aid be submitted to the voters thereof, it shall be the

duty of the council or other municipal authorities of such incorporated city or village or of the town clerk of such town, to immediately give notice of a special election by posting notices thereof in five [5] of the the most public places in such town, city or village, giving at least ten [10] days' notice of such special election, and if there is a newspaper printed and published there in said town, city or village, he shall cause a copy of such notice to be published [therein] at least six days before the time appointed for such election, which notice shall specify the time and place of holding such election; the railroad proposed to be aided, and the rate per centum of tax proposed to be levied, and the conditions upon which the money so raised shall be by the county treasurer paid over to the treasurer of the railroad company, which notice shall be by the town clerk of such town, or by the proper officer of such city or village, recorded at length on the records of such town, city or village, and filed in the office of such town clerk or of [by] the proper office[r] of such city or village, at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No."

Special election.

The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the mode of conducting town and city elections in ordinary cases, and if a majority of the votes polled at such election shall be in favor of the proposed tax, the supervisors of the town, the council, or other municipal authorities of the city or village, as the case may be, shall forthwith certify to the auditor of the county, the fact, and the amount of the tax thus voted by such town, village or city, and the board of county commissioners shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the towns, cities and villages voting said aid, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of tax levied under the provisions of this act in any city, township or village, shall in no case exceed five per cent. of the assessed value of said town, city or village, as it appears on the assessment roll whereon said tax is levied.

Taxes, how
paid on.

SEC. 3. All taxes collected under the provisions aforesaid, shall be paid out by the county treasurer upon the order of the president or managing director of the railroad company whose road said tax has been voted to aid, which orders shall be accompanied by sworn estimates of the engineer in charge of the work on such road showing that at least double the amount of such order has been expended for the construction of such road in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by a majority of the supervisors of the town or of the council or other municipal authorities of a city or village voting the tax for which said orders are drawn to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders, and it is hereby expressly provided that no part of the funds raised under the foregoing provisions of this act shall be expended in any other manner than specified in the notice of election. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and said money shall be repaid by the county treasurer to the persons from whom they were collected.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER XLVII.

An Act Enabling the Cities, Towns and Villages in the counties of Sibley, Nicolet and Blue Earth to aid in the Construction of a Railroad from Carver, Carver County, by way of Henderson, St. Peter and Mankato to the State Line of Iowa, by Subscription to the Capital Stock of any Corporation or Company building said Railroad, or by Donations of Money or Bonds of such Cities, Towns and Villages, and Providing for the Payment of such Subscriptions or Bonds and Interest by Taxation.

February 14,
1872.

- SECTION 1. Authorizes cities, villages or townships in certain counties to aid in the construction of railroads.
2. Authorizes the officers of any incorporated city or village, or town supervisors, to call a special election upon petition therefor, asking that a tax be levied.
 3. Relating to receipts of tax money and expenditures of the railroad company within the localities voting the aid.
 4. Authorizes a special election upon a petition asking for an issue of special bonds.
 5. Authorizes a special election upon a petition asking a subscription to the capital stock, and the issue of bonds to pay therefor.
 6. In the case of failure to vote favorably upon any proposition, the same may be submitted a second time.
 7. Cities or towns voting aid, must provide by taxation to meet principal and interest.
 8. Railroads receiving aid declared to be for public use.
 9. Qualifications of voters at these special elections.
 10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That it shall be lawful for any city, incorporated village or township in either of the counties of Sibley, Nicollet and Blue Earth to aid in the construction of any projected railroad which shall start at the village of Carver via Henderson, St. Peter and Mankato, to the north boundary of the state of Iowa in either of the modes hereinafter provided.

Aid in construction of railroads.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated

Special elec-
tion to levy tax

city or village, or the supervisors of any township in such counties, signed by fifteen of the resident tax payers of such city, village, or town, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election by publication in some newspaper published in the county and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition, having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No." The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the mode of conducting town and city elections in ordinary cases. And if a majority of the votes polled at such elections shall be in favor of the proposed tax, the supervisors of the town, or the council or other municipal authorities of the city or village as the case may be, shall forthwith certify to the auditor of the county the fact, and the amount of the tax thus voted by such town, village or city. And the board of county commissioners of the county, shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns or villages, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per centum of the assessed value of the taxable property of said town, city or village, as it appears on the assessment roll whereon the tax is levied.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out by the county treasurer upon the orders of the president or managing director of the railroad company whose road such tax has been voted to aid, which orders shall be accompanied by sworn estimates of the engineer in charge of the work on such road, showing that at least double the amount of such order has been expended for the construction of such road in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by a majority of the supervisors of the town or of the council or other municipal authorities of the city or village voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders. And it is hereby expressly provided that no part of the funds raised under the foregoing provisions of this act shall be expended in any other towns, villages or cities than those specified in the notice of election. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited and they shall be repaid by the county treasurer to the persons from whom they were collected.

Receipts of tax money within localities voting aid.

SEC. 4. Whenever instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated there shall be presented to the same person or bodies and be signed by the same number of resident tax payers as therein provided a petition asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village desired to be furnished as such aid be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village or the supervisors of such town to immediately give notice of a special election by publication and notice as specified in section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or village shall be submitted to the legal voters of said town, village or city to be determined by ballot, those in favor of

Authorizes special election for issue of special bonds.

Authorizes
special election
for issue of
special bonds.

the proposition having written or printed on their ballots the words "railroad bonds, yes," and those opposing the measure having written or printed on their ballots the words "railroad bonds, no." The election shall be conducted and the votes canvassed in the same manner as above provided in case of the submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities as the case may be, attested by the signature of the town clerk, city recorder or village clerk, and the corporate seal if there be one, running to the said railroad company or bearer, the special bonds of said city, village or town to the aggregate amount so voted which shall be in such sums not less than one hundred dollars nor exceeding one thousand dollars each, having [not exceeding] twenty years to run, and drawing interest not exceeding seven per cent. per annum, the amount of each rate of interest and time and place and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective supervisors and councils or other municipal authorities issuing them, or causing them to be issued. And such bonds may have interest coupons attached and may be substantially in the following form or similar thereto, viz:

STATE OF MINNESOTA, \$1,000.

No _____ Town or City of _____

Know all men by these presents, That the City or Town of _____ in _____ County, State of Minnesota, is indebted to the _____ Railroad Company of the State of Minnesota, or bearer, in the sum of One Thousand Dollars, which they promise to pay to the bearer hereof on the 1st day of _____ in the city of New York, with interest thereon from the 1st day of _____ at the rate of _____ per centum per annum, payable semi-annually at the _____ in the City of New York, on the first day of _____ in each year, on the presentation and surrender of the annexed coupons, as they severally become due.

This bond is one of a series of like tenor and date, issued by the Town of _____ or City of _____ to the amount of _____ to aid in the construction of a railroad from _____

In witness whereof, the Town of _____ or City of _____ has caused this bond to be sealed, signed and

delivered in their corporate name, by order of the City Council of said city or Supervisors of said town, pursuant to their resolutions in this respect passed.

[L. s.] The City of _____ or Town of _____

Attest: _____ By _____ Mayor or Supervisors—
City Recorder or Town Clerk.

SEC. 5. Whenever, instead of the petitions provided for in the second and fourth sections of this act, there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for, and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city to immediately give notice of a special election by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village or city, and the amount of bonds proposed to be issued to pay for such stock, at which election the question of subscribing for the stock of said railroad company, and of the issuing to said railroad company in payment therefor the proposed amount of the bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot; those in favor of the proposition to have written or printed on their ballots the words "Subscription for Railroad Stock—Yes," and those opposed to it having written or printed on their ballots the words "Subscription for Railroad Stock—No." The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such townships, or the council or other municipal authorities of such village or city, to subscribe for in the name of such town, village or city, an amount of the capital stock of such rail-

Subscription to
capital stock.

Subscription to
capital stock.

road company equal to the amount so voted, and for the purpose of paying therefor to issue or cause to be issued in the name of such township, village or city, an amount of the special bonds of such township, village or city, equal in the aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bond shall be executed in the same manner and of the same tenor and terms as provided [for] in section four of this act.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment thereof; *provided*, however, that the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. And provided further, that nothing herein contained shall be construed to authorize any city, town or village, to issue bonds, under sections four and five of this act, to an amount exceeding in the aggregate ten per cent. of the assessed value of the property of such city, town or village, as shall appear from the assessment of 1871.

The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign or otherwise dispose of any such stock as fully as a natural person, *provided*, however, that the supervisors of any town, or the council or other municipal authorities of any village or city, shall not have power to sell, assign or dispose of any such stock unless first authorized to do so by a vote of the legal voters of such town, village or city.

Failure to vote
favorably,
same proposi-
tion may be
submitted sec-
ond time.

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds or subscription for stock as aforesaid and the same has been voted down in any town, city or village, the same question upon a new petition may again be submitted not less than *one month* subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive.

Tax to meet
principal and
interest.

SEC. 7. Every town and incorporated city or village issuing or delivering its bonds as aforesaid shall provide by taxation or [and] otherwise for the punctual payments thereof, principal and interest as they become due.

SEC. 8. The public use and benefit of the above mentioned railroad or railroads is hereby declared.

SEC. 9. No person shall be permitted to vote at the election held under the provisions of this act, who has not been an actual resident of the town, city or village where he offers to vote, for three months next preceding such election, and shall be a legal voter in such town. Qualifications of voters.

SEC. 10. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 14, 1872.

CHAPTER XLVIII.

An Act enabling the Cities, Towns and Villages, in the counties of Hennepin, Ramsey, Olmsted and Fillmore, to Aid in the construction of Railways in said counties.

February 24,
1872.

- SECTION 1. Authority to aid in the construction of railroads.
2. Proceedings to vote and by levying a railroad tax.
 3. Manner of paying out the moneys received from tax levy.
 4. Proceedings to vote aid by the issue of special bonds.
 5. Proceedings to vote aid by subscription to the capital stock of railroad company.
 6. Provides for a second election in case the first fails to carry.
 7. Tax levy for principal and interest.
 8. Public use and benefit of railroad declared.
 9. Railroad to be completed before bonds delivered.
 10. Voters must have a legal residence of three months.
 11. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. It shall be lawful for any city, village or town in either of the counties of Hennepin, Ramsey, Olmsted and Fillmore to aid in the construction of any railway, to be constructed into or through said counties, by voting such aid in either of the modes hereinafter provided. Authority to aid railroad.

Mode of levying
tax.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated city, or village, or the supervisors of any township in such counties, signed by twenty-five of the resident taxpayers of said city, village or town, asking that the question of aiding in the construction of any railroad, as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election, by publication in some newspaper published in the county, and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended, at which election to be held in accordance with said notice, the question of raising the amount so specified, by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No."

The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the modes of conducting town and city elections in ordinary cases. And if a majority of the votes polled at any such election shall be in favor of the proposed tax, the supervisors of the town, the council or other municipal authorities of the city or village, as the case may be, shall forthwith certify to the auditor of the county, the fact and the amount of tax thus voted by such town, city or village, and the board of county commissioners of the county, shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns or villages, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for the non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per cent of the assessed value of the taxable property of said

town, city or village, as it appears on the assessment roll whereon the tax is levied.

SEC. 3. All taxes collected under the provisions aforesaid, shall be paid out by the county treasurer upon the orders of the president or managing director of the railroad company whose road such tax has been voted to aid, whenever the said railroad has been completed, with the cars running thereon in the town, city or village voting such aid in accordance with the terms of the notice provided for in section two of this act, which fact shall be evidenced by the affidavit of the engineer in charge of the construction of said road, and a certificate of the chairman of the board of supervisors, or the mayor or other presiding officer of the council, or chief executive officer of the city or village voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act, by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and they shall be repaid by the county treasurer to the persons from whom they were collected.

Mode of paying
out moneys.

SEC. 4. Whenever, instead of the petition provided for in the foregoing second section of this act, stating the amount desired to be raised by taxation, as therein contemplated, there shall be presented to the same persons or bodies and be signed by the same number of resident taxpayers as therein provided, a petition, asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village, desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election by publication and notice as specified in section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot, those in favor of the proposition having written or printed on their

Issue of special
bonds.

Issue of special
bonds.

ballots the words, "Railroad Bonds, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Bonds, No." The election shall be conducted and the votes canvassed in the same manner as above provided in case of the submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities, as the case may be, attested by the signature of the town clerk, city recorder or village clerk, and the corporate seal, if there be one, running to said railroad company or bearer, the special bonds of said city, village or town, to the aggregate amount so voted, which shall be in such sums not less than one hundred dollars, nor exceeding one thousand dollars, each having not exceeding twenty years to run and drawing interest not exceeding seven per cent. per annum, the amount of each, rate of interest, and time and place and manner of payment, within the limitations and restrictions aforesaid, to be fixed by the respective supervisors, and councils, or other municipal authorities issuing them or causing them to be issued; and such bonds may have interest coupons attached, and may be substantially in the following form, or similar thereto, viz:

No. —.

State of Minnesota, \$1,000

Town or City of —————.

Know all men by these presents: That the city or town of —, in — county, state of Minnesota, is indebted to the — railroad company of the state of Minnesota, or bearer, in the sum of one thousand dollars, which they promise to pay to the bearer hereof on the 1st day of —, in the city of New York, with interest thereon from the 1st day of —, at the rate of — per centum per annum, payable semi-annually at the —, in the city of New York, on the first day of — in each year, on the presentation and surrender of the annexed coupons as they severally become due. This bond is one of a series of a like tenor and date, issued by the town of —, or city of —, to the amount of —, to aid in the construction of a railroad from —.

In witness whereof, the town of —, or city of —, has caused this bond to be sealed, signed and delivered in their corporate name, by order of the city council of said city or

supervisors of said town, pursuant to their resolutions in this respect, passed —.

The city of — or town of —. Attest: By —, mayor or supervisors. —, city recorder or town clerk.

SEC. 5. Whenever, instead of the petitions provided for in the second and fourth sections of this act, there shall be presented to the same persons or bodies, and be signed by the same number of resident tax-payers, as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided, by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village, or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village, or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city, to immediately give notice of a special election, by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village, or city, and the amount of bonds proposed to be issued to pay for such stock; at which election the question of subscribing for the stock of said railroad company and of the issuing to said railroad company in payment therefor, the proposed amount of the bonds of said town city, or village shall be submitted to the legal voters of said town, village or city, to be determined by ballot, those in favor of the proposition to have written or printed on their ballots, the words, "Subscription for railroad stock, Yes;" and those opposed to it having written or printed on their ballots, the words, "Subscription for railroad stock, No."

Subscription to
capital stock.

The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation, and if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such townships, or the council or other municipal authorities of such village or city, to subscribe for in the name of such town, village or city, an amount of such capital stock of such railroad company equal to the amount so voted and for the purpose of paying therefor to issue or cause to be issued in the name of such town, village or city an amount of the special bonds of such township, village or city, equal in the aggregate to the amount of the capital stock

Subscription to
capital stock

of said railroad company so subscribed for as aforesaid, which said bonds shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment thereof; *Provided, however*, That the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. *And provided, further*, That nothing herein contained shall be construed to authorize any city, town or village to issue bonds to an amount exceeding in the aggregate ten per cent. of the assessed valuation of the property of such town or village as shall appear from the assessment of 1871. *Provided*, That the town of Oronoco, in the county of Olmsted, which may issue bonds in any sum not exceeding thirty thousand dollars. The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign, or otherwise dispose of any such stock as fully as a natural person. *Provided, however*, That the supervisors of any town, or the council or other municipal authorities of any village or city shall not have power to sell, assign or dispose of any such stock, unless first authorized to do so by a vote of the legal voters of such town, village or city.

Second election
authorized.

SEC. 6. In case of submission of either of the questions of taxation or issuing of bonds, or subscriptions of stock, as aforesaid, and the same has been voted down in any town, city or village, the same question, upon a new petition may again be submitted not less than one month subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive.

Levy for pay-
ment.

SEC. 7. Every town and incorporated city or village issuing or delivering its bonds as aforesaid, shall provide by taxation and otherwise for the punctual payments thereof, principal and interest, as they become due.

Public use and
benefit.

SEC. 8. The public use and benefit of the above mentioned railroad or railroads is hereby declared.

When bonds to
be delivered.

SEC. 9. No bonds provided for in this act shall be delivered to said railway company until its line of railroad shall have been completed, with the cars running thereon, in the town, city or village voting such aid, which fact shall be

evidenced in the same manner as is provided for in section three of this act.

SEC. 10. No person shall be allowed to vote at any election provided for in this act unless he shall have been an actual resident of the town, city or village where he offers to vote for three months next preceding such election, and shall also be a legal voter in such town, city or village.

Qualification of voters.

SEC. 11. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 24, 1872.

CHAPTER XLIX.

An Act to Authorize the City Council of the City of Winona to issue Bonds.

February 24,
1872.

SECTION 1. City council authorized to issue bonds to pay floating indebtedness.

2. City council to levy tax to pay principal and interest.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city council of the city of Winona is hereby authorized to issue the bonds of the city of Winona to the amount of twenty thousand dollars, and use and negotiate the same for the purpose of raising money to pay the floating indebtedness of said city, and any deficiency in the expenses of the city government for the current year. Such bonds and the interest thereon shall be payable at such times and places as the said city council may determine. But said bonds shall not be made payable more than three years from the date thereof. Nor shall they draw a greater rate of interest than ten per cent. per annum payable semi-annually nor shall they be sold or negotiated by the city council for a less price than their par value.

Council may issue bonds.

SEC. 2. Said bonds shall be signed by the mayor of said city and attested by the recorder thereof, and shall refer on

To levy tax to
pay principal
and interest.

When act to
take effect.

their face to this act as the authority for issuing the same. And it shall be the duty of the city council of the city of Winona to levy taxes upon the taxable property of said city to meet and pay the interest and principal of said bonds, and the same shall be payable according to the terms thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER L.

March 1, 1872.

An Act to authorize the City of Wabasha to aid in the Construction of Railroads.

SECTION 1. Authority to issue bonds to aid in the construction of a railroad, upon a vote of the people.

2. Manner of submission to the voters for approval.
3. Annual tax for principal and interest required to be levied.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. The city of Wabasha may at any time prior to August first (1st) A. D. one thousand eight hundred and seventy-two by a vote of a majority of its common council or their successors in official trust, subject to the approval and ratification of the legal voters of said city of Wabasha as hereinafter provided, create and issue its bonds with interest coupons attached thereto, to an amount not exceeding in the aggregate, one hundred thousand dollars, bearing interest at a rate not to exceed seven per cent. per annum, payable annually, which bonds shall be payable at such place and at such time or times as shall be therein named not exceeding thirty years, and to pledge the faith of said city of Wabasha for the payment of the principal and inter-

est of said bonds. The bonds hereby authorized or the proceeds thereof, shall be used to aid in the construction of, or taking stock in, any railroad, or railroads crossing the state of Wisconsin and terminating at the city of Wabasha.

SEC. 2. Before said bonds are issued, the question of issuing them shall be submitted to the legal voters of said city of Wabasha, at any general or special election thirty days notice to be given previous to said election, by publication in some newspaper published in said city or county of Wabasha, and the said common council or their successors in official trust, are hereby authorized to appoint and call a special election for such purpose, which shall be conducted in manner and form as elections are usually conducted in said city of Wabasha. The voters at such election shall use ballots upon which shall be printed or written or partly printed or [and partly] written, the words "For Railway Bonds," or the words "Against Railway Bonds," as the voters shall choose. If a majority of the ballots cast at such election, shall have upon them the words "For Railway Bonds," then the bonds shall be issued, and the said common council or their successors in official trust, may make any and all such agreements as they may deem proper with said railway company, for or relating to the disposal of the said bonds or the proceeds thereof in aid of said railway. But if a majority of said ballots shall have the words "Against Railway Bonds," upon them, then said bonds shall not be issued. *Provided*, That the question of issuing of such bonds may again at any time or times prior to August first, A. D. one thousand eight hundred and seventy-two in like manner be submitted to said legal voters and with like effect.

How submitted
to voters.

SEC. 3. For the purpose of paying the principal and interest of said bonds, an annual tax shall be assessed and levied upon the taxable property of said city of Wabasha in amount sufficient to pay the interest on the bonds so issued, and when the principal or any part of the principal is about to become due, a sufficient amount to pay such principal, and the payment of principal and interest may be apportioned upon such year as the said common council may deem expedient, or they may annually levy upon such taxable property and cause to be set apart as a sinking fund, such sums as with accrued interest thereon, shall amount to an equal proportion of the whole amount of bonds issued, which shall be applied to the punctual payment of said bonds at maturity. Said taxes shall be levied and collected in the same manner as other taxes are levied and collected

Tax to be
levied.

in said city of Wabasha. *Provided*, That such bonds shall not be delivered to any company until the road, for the building of which they are given to aid, shall be completed and the cars running thereon.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER LI.

February 29,
1872.

A Bill for An Act to Authorize the Town of Chatfield to issue Bonds to aid in the Purchase of Depot Ground and Right of Way for a Railroad through said Town.

- SECTION 1. Authorizes the issue of bonds for purchase of depot grounds and right of way.
2. Denomination of bonds and rate of interest.
 3. Proceedings to submit question of issuing bonds to the voters of the town.
 4. Bonds not to be delivered until the road is completed.
 5. Provision to submit the question a second time if defeated.
 6. Principal and interest of bonds to be provided for by taxation
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authorizes issue
of bonds.

SECTION 1. That the town of Chatfield in the county of Fillmore is hereby authorized to issue, at any time prior to the first day of December, eighteen hundred and seventy-four, the bonds of said town with coupons attached, not exceeding in amount the sum of ten thousand dollars to aid in the purchase of depot grounds and right of way for a railroad through said town.

Denomination
and rate of
interest.

SEC. 2. Said bonds shall be in sums of not less than one hundred dollars each, and may bear interest not exceeding eight per cent. per annum, payable annually and the princi-

pal payable at such time or times, not exceeding fifteen years, as the supervisors of said town, issuing said bonds, may fix.

SEC. 3. Whenever a petition shall be presented to the supervisors of said town, signed by twenty-five resident tax payers of said town asking that the question of aiding any railroad as above provided, and stating the amount desired to be furnished, be submitted to the voters thereof, it shall be the duty of the supervisors of said town to immediately give notice of a special election, by publishing a notice thereof in the newspapers published in said town and, also, by posting notices of the same in five public places in said town at least twenty days prior to such election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, shall be submitted to the legal voters of said town to be determined by ballot, those in favor of the proposition having written or printed on their ballots, the words "Railroad bonds—yes." Those opposing the measure having written or printed on their ballots the words "Railroad bonds—No." The election shall be conducted and the votes canvassed in the same manner as town elections in ordinary cases. And if a majority of the votes polled at such election shall be in favor of the issue of said bonds, the supervisors shall cause to be issued in the names of said town and signed by the supervisors, attested by the signature of the town clerk and running to the said railroad company or bearer, the special bonds of said town, to the aggregate amount so voted.

Notice of special election.

SEC. 4. No bonds issued under the supervisions of this act, shall be signed and delivered to any railroad company until such company shall have built their road with the cars running thereon to such point as the supervisors of said town may designate in said town.

No bonds delivered until road is built.

SEC. 5. In case of submission of the question of issuing bonds and the sum [same] has been voted down in said town, the same question upon a new petition may be again submitted for a smaller amount, but the second decision shall be final.

Failure to vote favorably same proposition may be submitted second time

SEC. 6. The town shall provide by taxation and otherwise for the payment of the principal and interest of said bonds as they become due.

Payment of principal and interest.

SEC. 7. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved Feb. 29, 1872.

CHAPTER LII.

February 29,
1872.

An Act enabling the Cities, Towns and Villages in the counties of Hennepin, Olmsted, Fillmore and Houston, to aid in the construction of a Railroad from the city of Minneapolis, Hennepin county, to La Crescent, Houston county, with a branch to the state line of Iowa, east of range fourteen, by subscription to the capital stock of any corporation or company building said railroad, or by donations of money or bonds of such cities, towns or villages, and providing for the payment of such subscriptions or bonds and interest by taxation.

- SECTION 1. Authorizes cities, villages or townships in certain counties to aid in the construction of railroads.
2. Authorizes the officers of any incorporated city or village, or town supervisors, to call a special election upon petition therefor, asking that a tax be levied.
 3. Relating to receipts of tax money and expenditures of the railroad company within the localities voting the aid.
 4. Authorizes a special election upon a petition asking for an issue of special bonds.
 5. Authorizes a special election upon a petition asking a subscription to the capital stock, and the issue of bonds to pay therefor.
 6. In the case of failure to vote favorably upon any proposition, the same may be submitted a second time.
 7. Cities or towns voting aid, must provide by taxation to meet principal and interest.
 8. Railroads receiving aid declared to be for public use.
 9. Qualifications of voters at these special elections.
 10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Aid in construction of railroads.

SECTION 1. That it shall be lawful for any city, incorporated village, or township, in either of the counties of Hennepin, Olmsted, Fillmore and Houston, to aid in the construction of any projected railroad which shall start at the city of Minneapolis, in said county of Hennepin, and extend to La Crescent, Houston county, with a branch to the north boundary of the state of Iowa, in either of the modes hereinafter provided.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated

city or village, or the supervisors of any township in such counties, signed by fifteen of the resident tax payers of such city, village, or town, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election by publication in some newspaper published in the county and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition, having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No." The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the mode of conducting town and city elections in ordinary cases. And if a majority of the votes polled at any such election shall be in favor of the proposed tax, the supervisors of the town, or the council or other municipal authorities of the city or village as the case may be, shall forthwith certify to the auditor of the county the fact, and the amount of the tax thus voted by such town, village or city. And the board of county commissioners of the county, shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns or villages, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per centum of the assessed value of the taxable property of said town, city or village, as it appears on the assessment roll whereon the tax is levied.

Special elec-
tion to levy tax

Receipts of tax
money within
localities vot-
ing aid.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out by the county treasurer upon the orders of the president or managing director of the railroad company whose road such tax has been voted to aid, which orders shall be accompanied by sworn statement of the engineer in charge of the work on such road, showing that the said road has been completed into the town, city or village, voting such aid, and that the cars are being run on such road, and also by a certificate signed by a majority of the supervisors of the town or of the council or other municipal authorities of the city or village voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited and they shall be repaid by the county treasurer to the persons from whom they were collected.

Authorizes
special election
for issue of
special bonds.

SEC. 4. Whenever instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided a petition asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village desired to be furnished as such aid be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village or the supervisors of such town to immediately give notice of a special election by publication and notice as specified by section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or village shall be submitted to the legal voters of said town, village or city to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "railroad bonds, yes," and those opposing the measure having written or printed on their ballots the words "railroad bonds, no." The election shall be conducted and

the votes canvassed in the same manner as above provided in case of the submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities as the case may be, attested by the signature of the town clerk, city recorder or village clerk, and the corporate seal if there be one, running to the said railroad company or bearer, the special bonds of said city, village or town to the aggregate amount so voted which shall be in such sums not less than one hundred dollars nor exceeding one thousand dollars each, having not exceeding twenty years to run, and drawing interest not exceeding seven per cent. per annum, the amount of each rate of interest and time and place and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective supervisors and councils or other municipal authorities issuing them, or causing them to be issued. And such bonds may have interest coupons attached and may be substantially in the following form or similar thereto, viz:

Authorizes
special election
for issue of
special bonds.

STATE OF MINNESOTA, \$1,000.

No. _____ *Town or City of* _____

Know all men by these presents, That the City or Town of _____ in _____ County, State of Minnesota, is indebted to the _____ Railroad Company of the State of Minnesota, or bearer, in the sum of One Thousand Dollars, which they promise to pay to the bearer hereof on the 1st day of _____ in the city of New York, with interest thereon from the 1st day of _____ at the rate of _____ per centum per annum, payable semi-annually at the _____ in the City of New York, on the first day of _____ in each year, on the presentation and surrender of the annexed coupons, as they severally become due.

This bond is one of a series of like tenor and date, issued by the Town of _____ or City of _____ to the amount of _____ to aid in the construction of a railroad from _____

In witness whereof, the Town of _____ or City of _____ has caused this bond to be sealed, signed and delivered in their corporate name, by order of the City Council of said city or Supervisors of said town, pursuant to their resolutions in this respect passed.

[L. S.] The City of _____ or Town of _____

By _____ Mayor or Supervisors—

Attest: _____ City Recorder or Town Clerk.

Subscription to
capital stock.

SEC. 5. Whenever, instead of the petitions provided for in the second and fourth sections of this act, there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for, and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city to immediately give notice of a special election by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village or city, and the amount of bonds proposed to be issued to pay for such stock, at which election the question of subscribing for the stock of said railroad company, and of the issuing to said railroad company in payment therefor the proposed amount of the bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot; those in favor of the proposition to have written or printed on their ballots the words "Subscription for Railroad Stock—Yes," and those opposed to it having written or printed on their ballots the words "Subscription for Railroad Stock—No." The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such townships, or the council or other municipal authorities of such village or city, to subscribe for in the name of such town, village or city, an amount of the capital stock of such railroad company equal to the amount so voted, and for the purpose of paying therefor to issue or cause to be issued in the name of such township, village or city, an amount of the special bonds of such township, village or city, equal in the

aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bond shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act.

Subscription to capital stock.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment thereof; *provided*, however, that the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. And provided further, that the authority conferred by this act upon any city town or village, to issue bonds under sections four and five of this act, shall be, and is hereby limited to an amount not exceeding in the aggregate, five per cent. of the assessed valuation of the real and personal property of such city, town or village, as appears upon the assessment roll for the year 1871, in all cases where the population of such city, town or village, does not exceed three thousand, and in all cases where such population exceeds three thousand, the aggregate amount issued under the provisions of this act, shall be, and is hereby limited to ten per cent. of such valuation.

The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign or otherwise dispose of any such stock as fully as a natural person, *provided*, however, that the supervisors of any town, or the council or other municipal authorities of any village or city, shall not have power to sell, assign or dispose of any such stock unless first authorized to do so by a vote of the legal voters of such town, village or city.

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds or subscription for stock as aforesaid and the same has been voted down in any town, city or village, the same question upon a new petition may again be submitted not less than *one month* subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decisions of the second submission shall be final and conclusive.

Failure to vote favorably, same proposition may be submitted second time.

SEC. 7. Every town and incorporate city or village issuing or delivering its bonds as aforesaid shall provide by taxation or [and] otherwise for the punctual payments thereof, principal and interest as they become due.

Tax to meet principal and interest.

SEC. 8. The public use and benefit of the above mentioned railroad or railroads is hereby declared.

Qualifications
of voters.

SEC. 9. No person shall be permitted to vote at the election held under the provisions of this act, who has not been an actual resident of the town, city or village where he offers to vote, for three months next preceding such election, and shall be a legal voter in such town, nor shall any bonds voted under the provisions of this act be delivered until the road is completed with the cars running thereon into the town, city or village voting the same, to be shown as provided in section three of this act.

When act to
take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 14, 1872.

CHAPTER LIII.

February 29,
1872.

An Act Enabling the Town and Cities in, and the Counties of Morrison, Todd, Stearns, Pope, Stevens, Traverse and Bigstone, to aid in the Construction of a Railroad from Little Falls in Morrison County via Sauk Centre, Glenwood and Morris, to the West Boundary of the State by Subscription to the Capital Stock of any Corporation or Company Building such Railroad, or by Donations of Money or Bonds of such Towns, Cities or Counties, and Providing for the Payment of such Subscriptions or Bonds and Interest by Taxation.

- SECTION 1. Authorizes cities, villages or townships in certain counties to aid in the construction of railroads.
2. Authorizes the officers of any incorporated city or village, or town supervisors, to call a special election upon petition therefor, asking that a tax be levied.
 3. Relating to receipts of tax money and expenditures of the railroad company within the localities voting the aid.
 4. Authorizes a special election upon a petition asking for an issue of special bonds.

- f. Authorizes a special election upon a petition asking a subscription to the capital stock, and the issue of bonds to pay therefor.
6. In the case of failure to vote favorably upon any proposition, the same may be submitted a second time.
7. Cities or towns voting aid, must provide by taxation to meet principal and interest.
8. Railroads receiving aid declared to be for public use.
9. Qualifications of voters at these special elections.
10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That it shall be lawful for any city, incorporated village, or township in either of the counties of Morrison, Todd, Stearns, Pope, Stevens, Traverse and Bigstone, to aid in the construction of any projected railroad which shall start at the village of Little Falls in said county of Morrison, and extend to the west boundary of the state of Minnesota via Sauk Centre, Glenwood, and Morris. Either of the counties above named may in like manner as towns and cities are herein authorized furnish aid in the construction of such projected line of railroad, in either of the modes hereinafter provided.

Aid in construction of railroads.

Sec. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated city or village, or the supervisors of any township in such counties signed by twenty-five of the resident tax-payers of such city, village or town or a petition to the board of county commissioners of either county herein named, signed by one hundred resident tax-payers thereof, asking that the question of aiding in the construction of any railroad, as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town or the county commissioners of such county to immediately give notice of a special election, by publication in some newspaper published in the county, or in case no newspaper is published in the county then such notice shall be published in the newspaper published nearest to the county, town, city or village where such election is to be held, and also by posting copies thereof in five public places in such town, village, city or county at least twenty days before said election, which notice shall specify the time and place or places of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the county, town or towns, incorporated city or cities, village or villages in which such tax shall be expended, at

Special election to levy tax

Special elec-
tion to levy tax

which election to be held in accordance with said notice, the question of raising the amount so specified, by taxation in said county, town, city or village shall be submitted to the legal voters of said county, town, city or village, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "Railroad Tax—yes," and those opposing the measure having written or printed on their ballots the words "Railroad Tax—no." The elections shall be conducted and the ballots canvassed as nearly as may be in accordance with the modes of conducting county, town and city elections in ordinary cases. And if a majority of the votes polled at any such election shall be in favor of the proposed tax, the county commissioners of the county, the supervisors of the town, the council or other municipal authorities of the city or village as the case may be, shall forthwith certify to the auditor of the county the fact and the amount of the tax voted, by such county, town, village or city and the board of county commissioners of the county shall, at the time of levying the ordinary annual taxes, next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns, villages or all of them, in the county, as the case may be, and said taxes shall be collected in the same manner and by the same officers, as county and state taxes and be subject to the same penalties for the non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall not in the aggregate in no case exceed five per cent. of the assessed value of the taxable property of said town, city or village, as it appears on the assessment roll whereon the tax is levied, and in case of a levy made upon all the property of a county by order of the county commissioners, the amount shall not exceed two and one half per cent.

Receipts of tax
money within
localities vot-
ing aid.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out of the county treasury, upon the order of the president, or managing director of the railroad company, whose road such tax has been voted to aid, which order shall be accompanied by sworn estimates of the engineer in charge of the work on such road, showing that at least double the amount of such order has been expended for the construction of such road in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by a majority of the supervisors of the town, or of the council or other municipal authorities of the city or village, or county commissioners of any county voting the tax, for which said orders are

drawn, to the effect that the provisions of this act have been [so] complied with as to entitle said company to the amount specified in such orders. And it is hereby expressly provided that no part of the funds raised under the foregoing provisions of this act shall be expended in any other counties, towns, villages or cities than those specified in the notice of election; *provided, however*, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and they shall be repaid by the county treasurer to the persons from whom they were collected.

SEC. 4. Whenever, instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated, there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such county, town, city, or village desired to be furnished, as such aid be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, or the county commissioners of such county, to immediately give notice of a special election, by publication and notice as specified in section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said county, town, city or village shall be submitted to the legal voters of said county, town, village or city, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "Railroad Bonds, Yes," and those opposing the measure having written or printed on their ballots, the words, "Railroad Bonds, No." The election shall be conducted and the votes canvassed in the same manner as above provided in case of the submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds the county commissioners or supervisors of the town, or the council or other municipal authorities of the incorporated city [or] village as the case may

Authorizes
special election
for issue of spe-
cial bonds.

Special elec-
tion—special
bonds.

be, shall cause to be issued in the name of such county, town, city or village and signed by the county commissioners, supervisors, mayor, or other municipal authorities as the case may be, attested by the signature of the county auditor, town clerk, city recorder or village clerk, and the corporate seal, if there be one, running to said railroad company or bearer, the special bonds of said city, village, town or county to the aggregate amount so voted, which shall be in such sums not less than one hundred dollars, nor exceeding one thousand dollars, each having not exceeding twenty years to run and drawing interest not exceeding seven per cent. per annum, the amount of each rate of interest, and time and place, and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective county commissioners, supervisors, and councils, or other municipal authorities, issuing them or causing them to be issued; and such bonds may have interest coupons attached and may be substantially in the following form, or similar thereto, viz:

STATE OF MINNESOTA, \$1,000.

No _____

Town or City of _____

Know all men by these presents, That the County, City or Town _____ in _____ State of Minnesota, is indebted to the _____ Railroad Company of the State of Minnesota, or bearer, in the sum of One Thousand Dollars, which they promise to pay to the bearer hereof, on the 1st day of _____ in the city of New York, with interest thereon from the 1st day of _____ at the rate of _____ per centum per annum, payable semi-annually at the _____ in the city of New York, on the first day of _____ in each year, on the presentation and surrender of the annexed coupons as they severally become due.

This bond is one of a series of like tenor and date, issued by the County of _____ Town of _____ or City of _____ to the amount of _____ to aid in the construction of a railroad from _____

In witness whereof, the County of _____ or Town of _____ or City of _____ has caused this bond to be sealed, signed and delivered in their corporate name, by order of the city council of said City or Supervisors of said Town or County Commissioners of, pursuant to their resolutions in this respect passed.

[L. s.] The City of _____ or Town of _____

Attest: _____ or County _____ County Auditor

By _____ County Commissioners

or Town Clerk _____ Mayor or Supervisors or
City Recorder.

SEC. 5. Whenever, instead of the petitions provided for in the second and fourth sections of this act, there shall be presented to the same persons or bodies, and designed by the same number of resident tax payers, as therein provided, a petition asking that the question of aiding in the construction of such railroad, as above provided, by subscription to the capital stock of said railroad company, and the issuing of the bonds of such county, township, village or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for, and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such county, town, village or city, it shall be the duty of the county commissioners of such county or supervisors of such town, or of the council or other municipal authorities of such village or city, to immediately give notice of a special election, by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such county, town, village or city, and the amount of bonds proposed to be issued to pay for such stock; at which election the question of subscribing for the stock of said railroad company and the issuing to said railroad company in payment therefor, the proposed amount of bonds of said county, town, city or village, shall be submitted to the legal voters of said county, town, village or city, to be determined by ballot, those in favor of the proposition to have written or printed on their ballots the words, "Subscription for Railroad Stock, Yes," and those opposed to it, having written or printed on their ballots, the words, "Subscription for Railroad stock, No." The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation, and if a majority of the votes polled at any such election shall be in favor as [of] subscription to the stock of such railroad company, it shall be the duty of the county commissioners of such county, or supervisors of such townships, or the council or other municipal authorities of such village or city, to subscribe for, in the name of such county, town, village or city, an amount of the capital stock of such railroad company equal to the amount so voted, and for the purpose of paying therefor, to issue or cause to be issued in the name of such county, township, village or city, an amount of the special bonds of such township, village or city, equal in the

Subscription to
capital stock.

Subscription to
capital stock.

aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bonds shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act. The county commissioners of such county, supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued, and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment therefor. *Provided, however,* that the said bonds shall be in no case sold, negotiated or in any manner disposed of for a less price than their par value. *And provided further,* that nothing herein contained shall be construed to authorize any county, town, village or city, to issue bonds in amount exceeding in the aggregate the total amount levied by said county, town, village or city combined, ten per cent. of the assessed valuation, of the property of such county, town, city or village, as shall appear from the assessment of the year preceding the vote taken to issue such bonds. The counties, townships, cities or villages, which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign or otherwise dispose of any such stock as fully as a natural person. *Provided, however,* that the county commissioners of any county, the supervisors of any town, or the council or other municipal authorities of any village or city, shall not have power to sell, assign or dispose of any such stock unless first authorized to do so by a vote of the legal voters of such county, town, village or city.

Failure to vote
favorably, same
proposition
may be submit-
ted second time

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds or subscription for stock as aforesaid, and the same has been voted down in any county, town, city or village, the same question, upon a new petition may again be submitted not less than one month subsequent to the first election, in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive.

Tax to meet
principal and
interest.

SEC. 7. Each county, town and incorporated city or village issuing or delivering its bonds as aforesaid, shall provide by taxation and otherwise for the punctual payments thereof, principal and interest, as they become due.

Aid to railroad
for public use.

SEC. 8. The public use and benefit of the above mentioned railroad or railroads is hereby declared.

Qualifications
of voters.

SEC. 9. No person shall be permitted to vote at any election held under the provisions of this act, who has not

been an actual resident of the town, city, village or county where he offers to vote, for three months next preceding such election, and shall be a legal voter in such city, village or town.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LIV.

An Act to authorize the City of Stillwater to issue Bonds to aid in the Construction of a Railroad and Wagon Bridge.

February 29,
1872.

- SACRION 1. Authority given to issue bonds for construction of a bridge.
2. Proposal to issue bonds to be submitted to vote of the people.
3. When act to take effect

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The city council of the city of Stillwater are hereby authorized and fully empowered to issue the bonds of said city, under its corporate seal, to an amount not exceeding twenty-five thousand dollars in aid of the construction of a railroad bridge across Lake St. Croix at said city of Stillwater; and to a further amount not exceeding twenty-five thousand dollars in aid of making such bridge also a free wagon bridge; such bonds to be issued in sums of not less than five hundred dollars each, and to bear interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York, or at such other place as said city council may determine, and to be specified in interest coupons attached to said bonds; the principal to be payable in not less than twenty nor more than thirty years from the date of issue. Such bonds shall be signed by the Mayor and Recorder of said city, and shall bear date of the time when such bridge shall be completed; and the same when

Authority to
issue bonds.

so executed, sealed and delivered shall be obligatory upon said city, and it shall thereupon become the duty of the city council of said city to cause an annual tax to be levied upon the taxable property of said city sufficient in amount to pay the interest upon said bonds as the same shall become due and payable, and to provide a sinking fund to meet the principal of said bonds, and the faith of the city of Stillwater shall stand pledged for the payment of said interest and principal, as in said bonds specified. *Provided*, that none of said bonds shall be delivered until said bridge is completed.

Submitted to
vote of the
people.

SEC. 2. No such bonds shall be issued under this act, until a majority of the legal voters voting thereon at the election hereinafter provided for, shall have voted in favor of issuing the same. The proposition to issue said bonds may be submitted to a vote of the electors of said city at any general or city election, or at a special election duly called by the proper officers of said city, such officers giving ten days notice to the electors of said city by publishing the notice thereof once in some newspaper published in said city of Stillwater, and by posting such notice in three public places of said city. The propositions for the issue of the two classes of bonds referred to in section one, viz: those in aid of a railroad bridge, and those in aid of a wagon bridge, shall be submitted separately, as follows, viz: those electors voting in favor of said first class of bonds shall have written or printed, or partly written and partly printed upon their ballots the words:

"Issue of city bonds to build railroad bridge—Yes," and those voting against the same, the words, "Issue of city bonds to build railroad bridge—No."

Those voting in favor of the issue of said second class of bonds shall have written or printed, or partly written and partly printed on their ballots the words, "Issue of city bonds to build wagon bridge—Yes;" and those voting against the same, the words, "Issue of city bonds to build wagon bridge—No."

And if upon an official canvass of said votes in the manner provided by law for the canvass of votes for city officers a majority of said voters who shall have voted upon either of said propositions are found to have voted in favor of such proposition, the said city council shall thereupon be authorized to issue the class of bonds so approved by said vote; and if a majority of those voting thereon shall be found to have voted in favor of both of said propositions, then the said city council shall be authorized to issue both classes of

bonds as above provided, to an amount not exceeding twenty-five thousand dollars each, as provided in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved Feb. 29, 1872.

CHAPTER LV.

An Act enabling the cities, towns and villages in the counties of Wright, Stearns and McLeod, and the towns of Watertown and Hollywood, Waconia and Camden, in Carver, to aid in the construction of branch lines of Railroads from the main line of the Minneapolis and St. Louis Railway, within the city of Minneapolis, to Sauk Centre, in Stearns county, and via Watertown, Carver county, to Hutchinson or some other point in McLeod county, by subscription to the capital stock of any corporation or company, building said railroad, or by donations of money or bonds of such cities, towns and villages, and providing for the payment of such subscriptions or bonds and interest, by taxation.

February 24,
1872.

SECTION 1. Authority to aid in the construction of railroads.

2. Proceedings to vote and by levying a railroad tax.
3. Manner of paying out the moneys received from tax levy.
4. Proceedings to vote aid by the issue of special bonds.
5. Proceedings to vote aid by subscription to the capital stock of railroad company.
6. Provides for a second election in case the first fails to carry.
7. Tax levy for principal and interest.
8. Public use and benefit of railroad declared.
9. Railroad to be completed before bonds delivered.
10. Voters must have a legal residence of three months.
11. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Authority to
aid railroad.

SECTION 1. That it shall be lawful for any city, incorporated village or township, in either of the counties of Wright, Stearns, McLeod, and the townships of Watertown and Hollywood, Waconia and Camden, in the county of Carver, to aid in the construction of any projected railroad, which shall start from some point on the main line of the Minneapolis and St. Louis railway, within the city of Minneapolis, in the county of Hennepin, and extend to Sauk Centre, in the county of Stearns, and via the village of Watertown, in Carver county, to Hutchinson, and by way of Waconia, to Glencoe, or to some other point in the county of McLeod, in either of the modes hereinafter provided.

Mode of levying
tax.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated city, or village, or the supervisors of any township in such counties, signed by twenty-five of the resident taxpayers of such city, village or town, asking that the question of aiding in the construction of any railroad, as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election, by publication in some newspaper published in the county, and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended, at which election to be held in accordance with said notice, the question of raising the amount specified, by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No."

The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the mode of conducting town and city elections in ordinary cases. And if a majority of the votes polled at any such election shall be in favor of the proposed tax, the supervisors of the town, the council or other municipal authorities of the city or vil-

lage, as the case may be, shall forthwith certify to the auditor of the county, the fact and the amount of the tax thus voted by such town, village or city, and the board of county commissioners of the county, shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns or villages, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per cent. of the assessed value of the taxable property of said town, city or village, as it appears on the assessment roll whereon the tax is levied.

SEC. 3. All taxes collected under the provisions aforesaid, shall be paid out by the county treasurer upon the orders of the president or managing director of the railroad company whose road such tax has been voted to aid, which orders shall be accompanied by sworn estimates of the engineer in charge of the work on such road, showing that at least double the amount of such order has been expended for the construction of such road, in accordance with the terms of the notice provided for in section two of this act, and also by a certificate, signed by a majority of the supervisors of the town, or of the council or other municipal authorities of the city or village voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders. And it is hereby expressly provided, that no part of the funds raised under the foregoing provisions of this act shall be expended in any other towns, villages or cities, than those specified in the notice of election. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act, by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and they shall be repaid by the county treasurer to the persons from whom they were collected.

Mode of paying
out moneys.

SEC. 4. Whenever, instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation, as therein contemplated, there shall be presented to the same person or bod-

Issue of special
bonds.

**Issue of special
bonds.**

ies and be signed by the same number of resident taxpayers as therein provided, a petition, asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village, desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election by publication and notice as specified in section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words, "Railroad Bonds, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Bonds, No." The election shall be conducted and the votes canvassed in the same manner as above provided in case of the submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities, as the case may be, attested by the signature of the town clerk, city recorder or village clerk, and the corporate seal, if there be one, running to said railroad company or bearer, the special bonds of said city, village or town, to the aggregate amount so voted, which shall be in such sums not less than one hundred dollars, nor exceeding one thousand dollars, each having not exceeding twenty years to run and drawing interest not exceeding seven per cent. per annum, the amount of each, rate of interest, and time and place and manner of payment, within the limitations and restrictions aforesaid, to be fixed by the respective supervisors, and councils, or other municipal authorities issuing them or causing them to be issued; and such bonds may have interest coupons attached, and may be substantially in the following form, or similar thereto, viz:

No. —.

State of Minnesota, \$1,000
Town or City of —————

Know all men by these presents: That the city or town of —, in — county, state of Minnesota, is indebted to the — railroad company of the state of Minnesota, or bearer, in the sum of one thousand dollars, which they promise to pay to the bearer hereof on the 1st day of —, in the city of New York, with interest thereon from the 1st day of —, at the rate of — per centum per annum, payable semi-annually at the —, in the city of New York, on the first day of — in each year, on the presentation and surrender of the annexed coupons as they severally become due. This bond is one of a series of a like tenor and date, issued by the town of —, or city of —, to the amount of —, to aid in the construction of a railroad from —.

In witness whereof, the town of —, or city of —, has caused this bond to be sealed, signed and delivered in their corporate name, by order of the city council of said city or supervisors of said town, pursuant to their resolutions in this respect, passed —.

The city of — or town of —. By —, mayor or supervisors. —, Attest: —, city recorder or town clerk.

Subscription to
capital stock.

SEC. 5. Whenever, instead of the petitions provided for in the second and fourth sections of this act, there shall be presented to the same persons or bodies, and be signed by the same number of resident tax-payers, as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided, by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village, or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village, or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city, to immediately give notice of a special election, by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village, or city, and the amount of bonds proposed to be issued to pay for such stock; at which election the question of subscribing for the stock of said railroad company and of the issuing to said railroad company in payment therefor, the proposed amount of the bonds of said town, city or village shall be submitted to the legal voters of said town, village or city, to be determined by ballot, those in favor of the proposition to have written or printed on their ballots, the

Subscription to
capital stock.

words, "Subscription for railroad stock, Yes;" and those opposed to it having written or printed on their ballots, the words, "Subscription for railroad stock, No."

The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation, and if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such townships, or the council or other municipal authorities of such village or city, to subscribe for in the name of such town, village or city, an amount of the capital stock of such railroad company equal to the amount so voted and for the purpose of paying therefor to issue or cause to be issued in the name of such township, village or city an amount of the special bonds of such township, village or city, equal in the aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bonds shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment thereof: *Provided, however,* That the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. *And provided, further,* That nothing herein contained shall be construed to authorize any city, town or village, to issue bonds, under sections four and five of this act, to an amount exceeding in the aggregate ten per cent. of the assessed value of such city, town or village, as shall appear from the assessment of 1871. The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign, or otherwise dispose of any such stock, as fully as a natural person. *Provided, however,* That the supervisors of any town, or the council or other municipal authorities of any village or city shall not have power to sell, assign or dispose of any such stock, unless first authorized to do so by a vote of the legal voters of such town, village or city.

Second election
authorized.

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds, or subscription for stock, as aforesaid, and the same has been voted down in any town,

city or village, the same question, upon a new petition may again be submitted not less than one month subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive.

SEC. 7. Every town and incorporated city or village issuing or delivering its bonds as aforesaid, shall provide by taxation and otherwise for the punctual payments thereof, principal and interest, as they become due.

Levy for pay-
ment.

SEC. 8. The public use and benefit of the above mentioned railroad or railroads is hereby declared.

Public use and
benefit.

SEC. 9. No person shall be permitted to vote at any election held under the provisions of this act who has not been an actual resident of the town, city or village where he offers to vote for three months next preceding such election, and shall be a legal voter in such town, [city or village.]

Qualification of
voters.

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 24, 1872.

CHAPTER LVI.

February 16,
1872

An Act to Authorize and Empower the Board of County Commissioners of the county of Pope to Issue Bonds for certain purposes.

SECTION 1. Authorizes the county commissioners to issue bonds for certain purposes.

2. Denomination of bonds and rate of interest.
3. Provision to ascertain claims for damages.
4. Claims to be consolidated and filed for payment.
5. Proceeds of bonds to be placed in hands of treasurer.
6. Treasurer authorized to loan money to amount of claims.
7. Notes and securities taken to be held by treasurer.
8. County treasurer to keep record of notes and mortgages.
9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. That the county commissioners of the county of Pope, are hereby authorized and empowered to issue, at any time prior to the first day of July, A. D. 1872, the bonds of said county, with coupons attached thereto, not exceeding in amount the sum of seven thousand dollars (\$7,000), for the purpose of raising money to loan to the farmers of said county, who suffered loss by damage to their crops during the summer or fall of 1871, as hereinafter provided.

Denomination
of bonds and
rate of interest

SEC. 2. The said bonds shall be in sums of not less than fifty dollars (\$50) each, with interest not exceeding twelve (12) per cent. per annum, payable annually, and the principal in five (5) years or less as the county commissioners may provide; which said bonds and coupons thereto attached, shall be signed by the chairman of the board of county commissioners, and countersigned by the county auditor of said county.

SEC. 3. It shall be the duty of the chairman of the board of county commissioners of the county of Pope, to call a meeting of said board on or before the 20th day of February, A. D. 1872, and such adjourned meeting as may be neces-

sary up to the 25th day of February, 1872, at which meeting all citizens of said county who suffered loss or damage to their crops, improvements, or other property by fire, storm or otherwise, at any time during the summer or fall of 1871, may present to said board a statement in writing of such loss or damage, the amount and value of the same, and the time and cause of such loss or damage, which statement shall be signed and sworn to by the applicant and by one or more other person or persons, who have personal knowledge of the facts herein stated. The said board shall thereupon forthwith examine into the writs of the said claim, and may allow or disallow the same, in whole or in part, as they find the facts in the case may justify; and the chairman of said board shall endorse upon said claim the amount allowed, and file the same with the county auditor; *provided*, that in no case shall any one person be allowed a greater sum than one hundred dollars (\$100) nor shall any sum be allowed other than *bona fide* residents of said county.

Claims for
damages.

SEC. 4. On the 24th day of February, 1872, or within two days thereafter, the county auditor, together with the county commissioners or the chairman thereof, shall consolidate all such claims as have been allowed, together with the name of the applicant, and post office address and township where the applicant resides, and file the same with the county treasurer; and after the board of county commissioners have ascertained the amount needed for seed and relief for the sufferers, they may then issue the bonds for the amount needed, as provided in section one and two of this act, and the county auditor and treasurer may negotiate the same for the purpose of getting money to aid the *farmers* to get their seed grain, on the conditions provided for in section "3" of this act and as hereinafter provided, and said bonds shall not be sold for less than ninety cents (90) on the dollar.

Claims consoli-
dated and filed

SEC. 5. After the bonds are negotiated and the money obtained, it shall be placed into the hands of the county treasurer, who shall forthwith notify the chairman of the board of county commissioners of the same.

Proceeds of
bonds.

SEC. 6. The several claimants named in the duplicates filed in the office of the county treasurer as aforesaid, shall be entitled to borrow from the county treasurer, the amounts of their respective claims, as allowed and endorsed, as provided in section "3" of this act; and upon such security, condition and term as may be fixed by the board of county commissioners of said county, either by mortgage, notes or otherwise.

Treasurer to
loan money to
amount of
claims.

Notes and mortgages to be held by treasurer.

Treasurer to keep record of notes and mortgages.

When act to take effect.

SEC. 7. The said notes and securities shall remain in the hands of the county treasurer or his successor in office, and he may in his name as such county treasurer, institute all necessary suits, legal proceedings and foreclosures as may be necessary to collect the said notes and securities.

SEC. 8. The county treasurer shall keep a true and accurate record of the said notes and securities, and of all collections of principal and interest on account thereof, and shall keep the same as a separate fund for to pay the bonds aforesaid, and the interest thereon, as the same becomes due.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 16, 1872.

CHAPTER LVII.

February 29,
1872.

An Act to Repeal Chapter Fifty-two of the Special Laws of the State of Minnesota, Approved February 27, 1871, being an Act Entitled an Act to Authorize the City of Winona to Aid in the Construction of the Winona and Southwestern Railroad.

SECTION 1. Repeal of chapter 52 of special laws of 1871, authorizing the city to aid a railroad.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Repeal of chapter 52, special laws.

When act to take effect.

SECTION 1. Chapter fifty-two (52) of the Special laws of the state of Minnesota, approved February 27, 1871, being an act entitled an act to authorize the city of Winona to aid in the construction of the Winona and Southwestern Railway is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LVIII.

*An Act to Authorize the County Commissioners of Becker County to issue Bonds.*February 27,
1872.

SECTION 1. Authorizes the commissioners to issue bonds for books, &c.

2. Rate of interest and length of time fixed.

3. The principal and interest to be provided by tax.

4. Officers who shall sign the bonds, and by whom the record shall be kept.

5. Commissioners authorized to negotiate the bonds.

6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

(SECTION 1.) That the county commissioners of Becker county be and the same are hereby authorized to issue bonds in an amount not exceeding two thousand dollars (\$2,000) to such denominations as such county commissioners shall determine for the purpose of providing for the purchase of record books and blanks for said county.

Authority to
issue bonds.

SEC. 2. Such bonds may bear interest at a rate not exceeding ten per cent. per annum, payable annually, and the principal shall be payable at such time or times as said county commissioners may determine not less than four nor more than eight years after the passage of this act, said principal and interest to be payable at the office of the treasurer of said county.

Rate of interest
Levy of tax.

SEC. 3. The proper authorities of said county shall annually include in the general tax, an amount sufficient to pay the interest on such bonds as may be issued and when any principal is about to become due, a sufficient amount to pay such principal sum.

Amount to pay
interest and
principal to be
included in
general tax.

SEC. 4. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county and countersigned by the auditor of said county, the county auditor is hereby required to keep a record of all bonds issued under the provisions of this act.

Who to sign
bonds.

SEC. 5. The said board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interests of said county.

Commissioners
authorized to
negotiate
bonds.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER LIX.

February 27,
1872.

An Act Authorizing the Town of Little Falls to Purchase Depot Grounds for the use of the Branch Line of the St. Paul and Pacific Railroad.

- SECTION 1 Authority to levy a two mill tax.
 2. Manner of collecting the tax.
 3. Object for which said tax shall be voted.
 4. Provision to levy tax to be submitted to vote.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
levy tax.

SECTION 1. That there shall be levied on all the taxable property in the town of Little Falls in Morrison county, state of Minnesota, on the assessment of 1872, and each succeeding year thereafter, by the county auditor of said county of Morrison, the sum of two mills on the dollar.

Manner of col-
lecting tax.

SEC. 2. That such tax shall be collected the same as other taxes are collected, by the county treasurer of Morrison county and paid over to the town treasurer of said town, on the order of the county auditor of said county.

Object for
which tax shall
be voted.

SEC. 3. That the town treasurer of said town shall pay out the moneys so coming into his hands upon the order or orders of the town board of supervisors of said town attested by the town clerk, which order or orders shall have written on their face, "For the purchase of Depot Grounds" and such order shall be used to purchase depot grounds for the use of the branch line of the St. Paul and Pacific railroad, within the limits of the village of Little Falls, out of the funds so raised the sum used for the purchase of such grounds shall not exceed the sum of one thousand dollars. And as soon as said sum has been realized, no further tax shall be levied under this act, and the balance of the funds raised under this act shall be placed to the credit of the general fund of said town.

SEC. 4. That at the next annual town meeting held in said town of Little Falls the qualified voters of said town may express their approval or disapproval of this act, by

voting. Those approving of this act shall have written or printed upon their ballots, "For raising money to purchase Depot Grounds—Yes". Those not approving of this act shall have written or printed upon their ballots, "For raising money to purchase Depot Grounds—No," and if it shall appear that a majority of the voters present and voting at such election upon this question or proposition, shall be against raising money as provided for in this act for the purchase of depot grounds as herein stated, then this act shall become inoperative and the tax herein authorized shall not be levied; otherwise this act shall take effect and be in force from and after its passage. Providing that township 40 north of range 28 west be exempted from the provisions of this act.

To be submitted to vote.

Approved February 27, 1872.

CHAPTER LX.

An Act to Authorize the County Commissioners of Crow Wing County to issue Bonds.

February 29,
1872

- SECTION 1. Authority to issue bonds for erection of county buildings.
- 2 Rate of interest and time of payment.
 3. Who shall execute the bonds.
 4. Commissioners authorized to negotiate the bonds.
 5. Annual tax levy for interest and sinking fund for principal authorized.
 6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the county commissioners of the county of Crow Wing are hereby authorized to issue the bonds of the county of Crow Wing with interest coupons attached, in a sum not exceeding thirty thousand dollars in such denomination.

Authority to
issue bonds.

ations as the board of county commissioners of said county may determine for the purpose of defraying the expense of the erection and completion of a court house, jail and county offices for the use of said county.

Rate of interest
—time of pay-
ment.

SEC. 2. Such bonds shall bear interest at a rate not to exceed twelve per cent. per annum payable annually, and the principal shall be paid [payable] within twenty years from the date of said bonds. The rate of interest and time of maturity of said bonds to be fixed by the commissioners of said county as they may determine subject to the above limitations.

Who shall ex-
ecute bonds.

SEC. 3. Said bonds shall be signed by the chairman of the board of commissioners and countersigned by the county auditor, and sealed with the seal of the county. The interest coupons shall be signed by the chairman of the board and countersigned by the auditor and the county auditor shall keep a record of all bonds issued under the provisions of this act, which record shall show the amount, number and date of each bond, to whom issued and when payable.

Commissioners
to negotiate
bonds.

SEC. 4. The board of county commissioner shall have authority to negotiate said bonds for the best interest of the county for the purpose aforesaid.

Tax levy for
interest and
sinking fund.

SEC. 5. The board of commissioners of said county shall and they are hereby authorized and empowered to levy an annual tax on the taxable property of said county, over and above and in addition to all other taxes required by law to be levied sufficient to pay the interest accruing on said bonds as it matures, and also to levy all additional taxes when any principal is about to become due, sufficient in amount to pay such principal sum or sums at maturity, which taxes shall be levied and collected in the same manner as other taxes for county purposes are levied and collected.

When act to
take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER LXI.

An Act to Authorize the County Commissioners of the County of Todd to issue Bonds for the Erection of County Buildings.

February 20,
1872.

SECTION 1. Authority to issue bonds for erection of county buildings.

2. Denomination, rate of interest and maturity of bonds.
3. Who shall execute the bonds.
4. County board authorized to negotiate their sale.
5. Annual tax for interest and sinking fund for principal to be levied.
6. Proposition for issue of bonds to be submitted to a vote.
7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SEC. 1. That the county commissioners of the county of Todd are hereby authorized to issue the bonds of said county to the amount of five thousand dollars, for the purpose of erecting county buildings at Long Prairie, the county seat of said county.

Authority to
issue bonds.

SEC. 2. Such bonds shall be issued, with coupons attached thereto, and of such denominations the county commissioners shall determine, and shall bear interest at a rate not exceeding ten per cent. per annum, which said interest shall be payable annually, and the principal thereof shall be payable at any time, not less than ten nor more than twenty years from the date of said bonds.

Denomination,
rate of interest
and maturity
of bonds.

SEC. 3. Said bonds and the interest coupons attached thereto, shall be signed by the chairman of the board of county commissioners, and countersigned by the auditor of said county, and said auditor shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts to whom issued and when payable.

Who to execute
bonds.

SEC. 4. The said board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interest of said county ; provided, however, that said bonds shall not be negotiated for less than one hundred cents on the dollar.

SEC. 5. Said board of commissioners and the proper au-

Tax for interest
and sinking
fund.

thorities of said county shall, and are hereby authorized and empowered to levy an annual tax on the taxable property of said county, in addition to all other taxes required by law to be levied, sufficient to pay the interest accruing upon said bonds, and the principal of said bonds as they shall mature, which taxes shall be levied and collected in the same manner as other taxes for county purposes are levied and collected and no part of such tax shall be appropriated for any purpose whatever, other than the payment of said bonds and the interest thereon.

To be submit-
ted to a vote.

SEC. 6. The proposition to issue said bonds shall be submitted to a vote of the electors of said county, at the next annual town meeting. The ballots shall have written or printed on them the following words:

"For issue of Bonds for Building County Buildings," or
"Against issue of Bonds for Building County Buildings." Said vote shall be cast at said election in the same manner as votes cast for town officers, and if, upon a canvass of said votes, in the manner provided for the canvass of votes for county officers, a majority of said voters who shall have voted upon said proposition, have voted in favor thereof, the issue of said bonds shall be lawful.

The town clerks of the several towns in said county shall, at the time of giving the notice of the annual town meeting, insert in said notice a paragraph setting forth that the question of issuing said bonds will be voted on at said town meeting: *Provided*, That any neglect or failure on the part of any town clerk to give such notice shall not invalidate said election or prohibit the canvass of votes cast upon such question.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 20, 1872

February 29,
1872.

CHAPTER LXII.

An Act Enabling the Towns and Cities in the County of Wabasha to aid in the Construction of a Railroad from some point near the foot of Lake Pepin, to run in a Southwesterly Direction through said county.

SECTION 1. Authorizes cities, villages or townships in certain counties to aid in the construction of railroads.

2. Authorizes the officers of any incorporated city or village, or town supervisors, to call a special election upon petition therefor, asking that a tax be levied.
3. Relating to receipts of tax money and expenditures of the railroad company within the localities voting the aid.
4. Authorizes a special election upon a petition asking for an issue of special bonds.
5. Authorizes a special election upon a petition asking a subscription to the capital stock, and the issue of bonds to pay therefor.
6. In the case of failure to vote favorably upon any proposition, the same may be submitted a second time.
7. Cities or towns voting aid, must provide by taxation to meet principal and interest.
8. Railroads receiving aid declared to be for public use.
9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for any city, incorporated village or township, in the county of Wabasha, to aid in the construction of any projected railroad which shall start at or near the city of Wabasha and run in a southwesterly direction through the villages of Plainview, and Elgin in either of the modes hereinafter provided. *Provided*, That the towns of Lake City, West Albany, Glasgow, Pepin, Mount Pleasant, Guilford, Chester, Hyde Park, Zumbro and Mazeppa in said county of Wabasha be excepted from the provisions of this act.

Aid in construction of railroads.

Special elec-
tion to levy tax

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated city or village, or the supervisors of any township in such county, signed by twenty-five resident tax payers of such city, village, or town, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount desired to be furnished as such aid, be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village, or the supervisors of such town, to immediately give notice of a special election by publication in some newspaper published in the county and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended, at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition, having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No." The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the modes of conducting town and city elections in ordinary cases. And if a majority of the votes polled at any such election shall be in favor of the proposed tax, the supervisors of the town, or the council or other municipal authorities of the city or village as the case may be, shall forthwith certify to the auditor of the county the fact, and the amount of the tax thus voted by such town, village or city. And the board of county commissioners of the county, shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the proper cities, towns or villages, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per cent. of the assessed value of the taxable property of said town, city or

village, as it appears on the assessment roll whereon the tax is levied.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out of the county treasury upon the orders of the president or managing director of the railroad company whose road such tax has been voted to aid, which order shall be accompanied by sworn estimates of the engineer in charge of the work on such road, showing that at least double the amount of such order has been expended for the construction of such road in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by a majority of the supervisors of the town or of the council or other municipal authorities of the city or village voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders. And it is hereby expressly provided that no part of the funds raised under the foregoing provisions of this act shall be expended in any other towns, villages or cities than those specified in the notice of election; *provided, however*, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and they shall be repaid by the county treasurer to the persons from whom they were collected.

Receipts of tax money within localities voting aid.

SEC. 4. Whenever instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided a petition asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village desired to be furnished as such aid be submitted to the voters thereof, it shall be the duty of the council or other municipal authorities of such incorporated city or village or the supervisors of such town to immediately give notice of a special election by publication and notice as specified by section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or

Authorizes special election for issue of special bonds.

Authorizes
special election
for issue of
special bonds.

village shall be submitted to the legal voters of said town, village or city to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "railroad bonds, yes," and those opposing the measure having written or printed on their ballots the words "railroad bonds, no." The election shall be conducted and the votes canvassed in the same manner as above provided in case of the submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities as the case may be, attested by the signature of the town clerk, city recorder or village clerk, and the corporate seal if there be one, running to said railroad company or bearer, the special bonds of said city, village or town to the aggregate amount so voted, which shall be in such sums not less than one hundred dollars nor exceeding one thousand dollars each, having not exceeding twenty years to run, and drawing interest not exceeding seven per cent. per annum, the amount of each, rate of interest and time and place and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective supervisors and council or other municipal authorities issuing them, or causing them to be issued. And such bonds may have interest coupons attached and may be substantially in the following form or similar thereto, viz:

STATE OF MINNESOTA, *Town or City of* ——— \$1,000.
No ———

Know all men by these presents, That the City or Town of ——— in ——— County, State of Minnesota, is indebted to the ——— Railroad Company of the State of Minnesota, or bearer, in the sum of One Thousand Dollars, which they promise to pay to the bearer hereof on the 1st day of ——— in the city of New York, with interest thereon from the 1st day of ——— at the rate of ——— per centum per annum, payable semi-annually at the ——— in the City of New York, on the first day of ——— in each year, on the presentation and surrender of the annexed coupons, as they severally become due.

This bond is one of a series of like tenor and date, issued by the Town of ——— or City of ——— to the amount of ——— to aid in the construction of a railroad from ———

In witness whereof, the Town of _____ or City of _____ has caused this bond to be sealed, signed and delivered in their corporate name, by order of the City Council of said city or Supervisors of said town, pursuant to their resolutions in this respect passed.

[L. s.] The City of _____ or Town of _____

By _____ Mayor or Supervisors—

Attest: _____ City Recorder or Town Clerk.

SEC. 5. Whenever, instead of the petitions provided for in the second and fourth sections of this act, there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for, and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city to immediately give notice of a special election by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village or city, and the amount of bonds proposed to be issued to pay for such stock, at which election the question of subscribing for the stock of said railroad company, and the issuing to said railroad company in payment therefor the proposed amount of the bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot; those in favor of the proposition to have written or printed on their ballots the words "Subscription for Railroad Stock—Yes," and those opposed to it having written or printed on their ballots the words "Subscription for Railroad Stock—No." The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such townships, or the council or other municipal authorities of such

Subscription to
capital stock.

Subscription to
capital stock.

village or city, to subscribe for in the name of such town, village or city, an amount of the capital stock of such railroad company equal to the amount so voted, and for the purpose of paying therefor to issue or cause to be issued in the name of such township, village or city, an amount of the special bonds of such township, village or city, equal in the aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bonds shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid, or may deliver the bonds themselves to such company in payment thereof; *provided*, however, that the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. And provided further, that nothing herein contained shall be construed to authorize the city of Wabasha to issue bonds under sections four and five of this act, to an amount exceeding in the aggregate one hundred and fifty thousand dollars, or any town or village an amount exceeding in the aggregate ten per cent. of the assessed valuation of the property of such town or village as shall appear from the assessment of 1871.

The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign or otherwise dispose of any such stock as fully as a natural person, *provided*, however, that the supervisors of any town, or the council or other municipal authorities of any village or city, shall not have power to sell, assign or dispose of any such stock unless first authorized to do so by a vote of the legal voters of such town, village or city.

Failure to vote
favorably,
same proposition
may be
submitted second
time.

SEC. 6. In case of the submission of either of the questions of taxation or issuing bonds or subscription for stock as aforesaid and the same has been voted down in any town, city or village, the same question upon a new petition may again be submitted not less than one month subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive. *Provided*, no person shall be entitled to vote at any election provided for in this act, unless he shall have resided in the election district at least three months immediately preceding such election.

SEC. 7. Every town and incorporated city or village issuing or delivering its bonds as aforesaid shall provide by taxation and otherwise for the punctual payments thereof, principal and interest as they become due.

Tax to meet principal and interest.

SEC. 8. The public use and benefit of the above mentioned railroad or railroads is hereby declared.

Public use and benefit.

SEC. 9. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved Feb. 29, 1872.

CHAPTER LXIII.

An Act to authorize the City of St. Cloud to issue Bonds to Aid in the Construction of the St. Paul and Pacific Rail Road through said city.

February 2. .
1872.

SECTION 1. Authority to issue bonds for a bridge and depot grounds.

2. Denomination of bonds and rate of interest.

3. Authority to council to negotiate with railroad company, and to submit the ordinance authorizing an issue of bonds for a bridge to a vote.

4. Requires the question of issuing the bonds for depot grounds to be submitted to a vote.

5. Tax levy required to be made annually for interest and sinking fund to pay principal.

6. Qualifications of voters.

7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the City of St. Cloud, in the county of Stearns, is hereby authorized to issue at any time prior to the first day of August, A. D. eighteen hundred and seventy three, as hereinafter provided, the bonds of said city, with coupons attached not exceeding the sum of sixty-five thousand dollars, to aid in the construction of a railroad bridge across

Authority to issue bonds.

the Mississippi River upon the line of said railroad leading from the east side of said river into the City of St. Cloud, and the further sum of fifteen thousand dollars, or so much thereof as may be necessary to be used, for the purpose of purchasing the right of way and depot grounds for said railroad through and in said City of St. Cloud.

Denomination
of bonds and
rate of interest.

SEC. 2. Said bonds shall be in sums of not less than one hundred dollars each, and may bear interest not exceeding seven per cent per annum, payable annually or semi annually, and the principal payable at such time or times, not exceeding thirty years nor less than twenty years, as the common council of said city may by ordinance provide, which said bonds and the coupons thereto attached shall be signed by the mayor and countersigned by the city clerk of said city.

Ordinance sub-
mitted to a vote

SEC. 3. The common council of said city are hereby authorized and empowered to enter into any agreement with the officers or directors of said railroad company in relation to the terms, time and conditions of the issue and payment of said bonds in aid of the construction of said bridge, and the said common council may by ordinance provide for the issue of said bonds in aid of the construction of said bridge as aforesaid, or any part thereof, and the terms, time, manner and conditions of the issue and payment thereof, which said ordinance shall be published at least two successive weeks in the regular issue of each of the newspapers published in said city, and shall thereafter be submitted to the qualified voters of said city for approval at any general election, or said common council may order a special election by giving ten days notice thereof previous to the day set for said election, said notice to specify particularly the object for which such election is ordered, and said election shall be conducted in the manner provided by law for conducting elections for city officers of said city. The voters at such election casting their ballots in the affirmative shall use ballots having distinctly written or printed upon them, or partly written and partly printed the words, "Ordinance in aid of the St. Paul and Pacific Railroad Bridge, yes," and those voting in the negative shall use ballots [having] distinctly written [or printed] upon them, or partly written and partly printed the words, "ordinance in aid of the St. Paul and Pacific Railroad Bridge, no." If a majority of the votes cast at such election shall be in favor of the approval of such ordinance, the said common council shall publish said ordinance as other city ordinances are published and shall declare the same to take effect and be in force, from and after

the publication thereof, but if the majority of the votes cast at such election shall be against the approval of such ordinance, then the same shall be null and void.

SEC. 4. Said common council shall after the passage of this law, and before the issue of the bonds for the purchase of right of way and depot grounds for said railroad company through and in the City of St. Cloud, submit the question of the issue of said bonds for the purchase of right of way and depot grounds as aforesaid, to the qualified voters of said city for approval at any general election, or said common council may order a special election as provided in Section 3, of this act, the voters at such election casting their ballots in the affirmative shall use ballots having distinctly printed or written upon them, or partly written and partly printed the words: "Issue of bonds for right of way and depot grounds, yes" and those voting in the negative shall use ballots having distinctly written or printed upon them, or partly written and partly printed the words, "Issue of bonds for right of way and depot grounds, no," and said bonds shall not be issued if a majority of those [the voters] voting on this question, vote in the negative.

Issuing bonds
submitted to a
vote

Sec. 5. Said common council are hereby authorized and required, on or before the first day of September next after the date of said bonds, and each and every year thereafter on or before the first day of September, until the payment of the principal and interest of said bonds is fully provided for, to levy, and in due form certify to the auditor of Stearns County, a tax upon the taxable property of said city equal to the amount of the principal and interest of said bonds maturing during the year next after said levy, and they may annually after the expiration of ten years, next after the date of said bonds, levy upon such taxable property, and cause to be set apart as a sinking fund, such sums as, with the accrued interest thereon, shall amount to an equal proportion of the whole amount of bonds issued which shall be applied to the punctual payment of said bonds at maturity, which taxes shall be payable in money, and shall be placed upon the tax duplicate of each year, for which the levy is made by said auditor, and be collected in like manner, with other city taxes and the proceeds thereof shall be paid over to the city treasurer, and be by him applied in the payment of the interest and principal of said bonds and for no other purpose whatever until said bonds and interest thereon are fully paid, after which any surplus proceeds of such taxes may be applied as said council shall determine.

Tax levy.

SEC. 6. No person shall be allowed to vote upon the

Qualifications
of voters.

question of the issue of the bonds as provided in this act who has not in addition to his other qualifications as a voter, been an actual resident of the city of St. Cloud, for at least three months immediately prior to the time of such election.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 3 1872.

CHAPTER LXIV.

February 29,
1872.

An Act to Authorize the Board of Education of the East Division of the City of Minneapolis to issue Bonds.

SECTION 1. Authority to issue bonds for school purposes.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. That the Board of Education of the east division of the City of Minneapolis is hereby authorized and empowered to issue bonds of the school district of the east division of the City of Minneapolis, to the amount of twelve thousand dollars, and negotiate the same for the purpose of raising means for the erection of a school building within said east division. Such bonds and the interest thereon shall be payable at such time and place as the said Board of Education may determine, but the principal not less than twenty years from the date thereof, and the interest shall not exceed the rate of ten per cent. per annum, said bonds shall be signed by the president and secretary of said board, and shall refer to this act as the authority for issuing the same, and shall pledge the faith of said school district to the payment of the same, and it shall be the duty of the Clerk of the City of Minneapolis to levy a tax upon the taxable property of said school district to meet and pay the interest and

principal of said bonds, as the same shall be payable in accordance with the terms thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29 1872.

CHAPTER LXV.

An Act to authorize and empower the Board of County Commissioners of the County of Blue Earth to issue Bonds for certain purposes.

February 29,
1872

- SECTION 1. Authority to issue bonds for benefit of sufferers by late storm.
2. Denomination of bonds and rate of interest.
 3. Proceedings to determine who shall receive aid and the amount thereof.
 4. Duties of the auditor and commissioners.
 5. The county treasurer to receive proceeds of bonds.
 6. The claimants entitled to borrow the money under certain conditions.
 7. Notes and securities to be deposited with treasurer.
 8. Duties of the county treasurer, and proviso to submit the act to a vote of the people.
 9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the county commissioners of the county of Blue Earth are hereby authorized and empowered to issue, at any time prior to the first day of July A. D. 1872; the bonds of said county, with coupons attached thereto, not exceeding in amount the sum of five thousand dollars (\$5,000) for the purpose of raising money to loan to the farmers of said county who suffered loss or damage to their crops by hail storm during the summer or fall of 1871, as hereinafter provided.

Authority to
issue bonds.

SEC. 2. The said bonds shall be in sums of not less than fifty dollars (\$50) each, with interest not exceeding twelve (12)

Denomination
of bonds and
rate of interest

per cent. per annum payable annually, and the principal five (5) years or less as the county commissioners may provide, which said bonds and coupons thereto attached shall be signed by the chairman of the board of county commissioners, and countersigned by the county auditor of said county.

Who to receive
aid—amount.

SEC. 3. It shall be the duty of the chairman of the board of county commissioners of the county of Blue Earth, to call a meeting of said board on or before the 14th day of March A. D. 1872, and such adjourned meeting as may be necessary up to the 17th day of March 1872, at which meeting all citizens of said county who suffered loss or damage to their crops by hail storm, at any time during the summer or fall of 1871, may present to said board a statement in writing of such loss or damage, the amount and value of the same, and the times and cause of such loss or damage, the amount of seed grain they will respectively need for the coming season, and their ability to procure the same without the aid herein contemplated, which statement shall be signed and sworn to by the applicant, and by one or more persons or persons who have personal knowledge of the facts as therein stated, the said board shall thereupon forthwith examine into the merits of the said claim, duly considering the necessities of the applicant, and may allow or disallow the same in whole or in part, as they find the facts in the case may justify, and the chairman of said board shall endorse upon said claim the amount allowed and file the same with county auditor; *provided*, that in no case shall any one person be allowed a greater sum than fifty dollars, (\$50) nor shall any sum be allowed other than bona fide residents of said county.

Duties of officers.

SEC. 4. On the 18th day of March 1872, the county auditor together with the county commissioners or the chairman thereof, shall consolidate all such claims as have been allowed, together with the name of the applicant and post office address, and the township where the applicant resides, and file the same with the county treasurer; and after the board of county commissioners have ascertained the amount needed for seed and relief for the sufferers, they may then issue the bonds for the amount needed as provided in section one and two of this act, and the county auditor and treasurer may negotiate the same for the purpose of getting money to aid the farmers to get their seed grain, on conditions provided for in section 3 of this act, and as hereinafter provided, and said bonds shall not be sold for less than par.

Proceeds of
bonds.

SEC. 5. After the bonds are negotiated and the money obtained, it shall be placed into the hands of the county

treasurer, who shall forthwith notify the chairman of the board of county commissioners of the same.

SEC. 6. The several claimants in the duplicates filed in the office of the county treasurer, as aforesaid, shall be entitled to borrow from the county treasurer the amounts of their respective claims as allowed and endorsed, as provided in section 3 of this act; and upon such security, condition and terms as may be fixed by the board of county commissioners of said county.

Claimants entitled to borrow money on conditions.

SEC. 7. The said notes and securities shall remain in the hands of the county treasurer or his successor in office, and he may in his name as such county treasurer institute all necessary suits, legal proceedings and foreclosures as may be necessary to collect the said notes and securities.

Securities deposited with treasurer.

SEC. 8. The county treasurer shall keep a true and accurate record of the said notes and securities, and of all collection of principal and interest on account thereof, and shall keep the same as a separate fund to pay the bonds aforesaid and the interest thereon as the same becomes due; provided, this act shall be submitted to the people of said county at the spring election to be held on the second Tuesday of March next, for their approval or disapproval; those in favor of issuing said bonds shall have written or printed on their ballots, "In favor of issuing bonds, yes" "against issuing bonds, no," and votes shall be returned and canvassed the same as the votes for county officers are canvassed, and if a majority of said votes shall be against the issuing of said bonds, then this act shall be of no force or effect.

Duties of treasurer—act to be voted upon.

SEC. 9. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER LXVI.

February 29,
1873.

An Act to establish Pleasant Avenue from the present westerly limits of the City of St. Paul, to a point on the Fort Street extension in Ramsey County.

SECTION 1. Commissioners named to locate Pleasant Avenue in St. Paul.

2. Provides for a survey and plat to be filed.
3. Commissioners to give notice and assess damages and benefits.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners
named to
locate avenue.

SECTION 1. That H. J. Taylor, Robert A. Smith and D. W. Ingersoll of the County of Ramsey, be and they are hereby appointed commissioners to locate and establish a public highway and avenue, to be known as Pleasant Avenue, commencing at a point on the present westerly limits of the City of St. Paul, where "Pleasant Avenue," as now laid out and dedicated in Terrace Park addition to the City of Saint Paul, according to recorded plat thereof, if extended to the westerly limit of said city, would intersect said westerly limit, thence by the most feasible route near the foot of the bluff to a point at or near the intersection of the fort road, with the quarter section line between the north east and south east quarter of section fifteen (15) town twenty eight (28) of range twenty three (23) in said Ramsey County; the said avenue to be eighty feet wide.

Survey & plat.

SEC. 2. That at any time within one year after the common council of the City of Saint Paul shall have extended the said Pleasant Avenue westerly to said city limits, the said commissioners or a majority of them, (or in case of their death or refusal to act from any cause, such other three commissioners as the board of county commissioners of said Ramsey County may appoint,) shall proceed to cause a survey and plat of the said Pleasant Avenue to be made, which plat shall exhibit the lands and premises required to be taken therefor, and the lands adjacent which in the judgment of the said commissioners will be damaged, injured or benefited by the location and opening of said avenue; the said plat shall be filed in the office of the register of deeds

for said county of Ramsey, and shall be certified by some competent surveyor who may be employed by said commissioners to stake out, survey and plat the said avenue.

SEC. 3. Whenever the said plat and survey shall have been filed as aforesaid, the said commissioners shall give notice of the time and place, when and where they will meet for the purpose of assessing the damages and injuries sustained and benefits and advantages to accrue to the lands adjacent to said avenue, and damaged or benefited thereby, which notice shall be published at least one week in some daily newspaper printed in said county of Ramsey, and at the time and place named in said notice, and at such other times and places to which it may be necessary to adjourn said meeting, the said commissioners shall proceed to determine and assess the said damages, injuries, benefits and advantages, in the manner provided by law for the location and opening of town roads, and a statement of such assessment and determination shall be certified by said commissioners and filed in the office of the town clerk of the township of Reserve in said county of Ramsey, and the said damages and benefits shall be collected and paid in the manner provided by law for town roads. Appeals from the said assessment and determination shall be allowed to the same parties, and within the same time and in the manner provided by law for appeals upon the location and opening of town roads.

Notice—dam-
ages and bene-
fits.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29 1872.

CHAPTER LXVII.

February 24,
1872.

An Act to Authorize the County Commissioners of the County of Redwood, to issue Bonds for the erection of County Building.

- SECTION 1. Authority to issue bonds for county buildings.
 2. Denomination of bonds and rate of interest.
 3. Officers authorized to execute the bonds.
 4. Authority to negotiate the sale of the bonds.
 5. Annual tax for interest and sinking fund for principal to be levied
 6. Proposition to issue bonds to be voted upon
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. That the county commissioners of the county of Redwood, are hereby authorized to issue the bonds of said county to the amount of ten thousand dollars, for the purpose of erecting county buildings at Redwood Falls, the county seat of said county.

Denomination,
rate of interest
of bonds.

SEC. 2. Such bonds shall be issued with coupons attached thereto, and of such denominations as the county commissioners shall determine, and shall bear interest at a rate not exceeding twelve per cent. per annum, which said interest shall be payable semi annually, and the principal thereof shall be payable at any time not less than ten nor more than twenty years from the date of said bonds.

Officers to ex-
ecute bonds.

SEC. 3. Said bonds and the interest coupons attached thereto, shall be signed by the chairman of the board of county commissioners, and countersigned by the auditor of said county, and said auditor shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued and when payable.

Sale of bonds

SEC. 4. The said board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interests of said county, provided however, that said bonds shall not be negotiated for less than par.

Sec. 5. Said board of commissioners, and the proper authorities of said county, shall and are hereby authorized and empowered to levy an annual tax on the taxable property of said county in addition to all other taxes required by law to be levied, sufficient to pay the interest accruing upon said bonds, and the principal of said bonds as they shall mature, which taxes shall be levied and collected in the same manner as other taxes for county purposes are levied and collected, and no part of such tax shall be appropriated for any purpose whatever other than the payment of said bonds and the interest thereon.

Authority to
levy tax.

Sec. 6. The proposition to issue said bonds shall be submitted to a vote of the electors of said county at the next annual town meeting, the ballots shall have written or printed thereon the following words: "For issue of bonds for building county buildings," or "against issue of bonds for building county buildings," said vote shall be cast at said election in the same manner as votes cast for town officers, and if upon a canvass of said votes in the manner provided for the canvass of votes for county officers, a majority of said voters who shall have voted upon said proposition, have voted in favor thereof the issue of said bonds shall be lawful. It shall be the duty of the county auditor in said county at least fifteen days prior to said town meeting, to notify the town clerks of the several towns in said county that the said town clerks shall at the time of giving the notice of the annual town meeting, insert in said notice a paragraph setting forth that the question of issuing said bonds will be voted on at said town meeting; *provided*, that any neglect or failure on the part of any town clerk to give such notice shall invalidate said election or prohibit the canvass of votes cast upon such question.

Proposition to
issue bonds to
be voted upon.

Sec. 7. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 24, 1872.

CHAPTER LXVIII

February 26,
1872.

An Act to authorize the County Commissioners of Douglas county to issue bonds.

- SECTION 1. Authority to issue bonds for railroad purposes.
2. Duration of bonds and rate of interest.
 3. Officers authorized to execute the bonds.
 4. Authority to negotiate the sale of the bonds.
 5. Annual tax for principal and interest to be levied.
 6. Proposition to issue bonds to be submitted to the voters.
 7. When set to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. The county commissioners of the county of Douglas, are hereby authorized to issue the bonds of said county to the amount of three thousand dollars, (or so much thereof as may be necessary on the conditions hereinafter mentioned,) for the purpose of aiding in the construction of the branch line of the St. Paul and Pacific railroad, through said county, by the purchase of the right of way for said railroad, through said county.

Duration of
bonds—rate of
interest.

Sec. 2. Such bonds may be issued with coupons attached thereto, and of such denominations as the county commissioners shall determine, and shall bear interest at a rate not exceeding twelve per cent. per annum, which said interest shall be payable annually, and the principal thereof shall be payable at any time not less than three nor more six years from the date of said bonds. Bonds and interest shall be payable at the office of the treasurer of said Douglas county.

Officers to ex-
cute bonds.

Sec. 3. Said bonds and the interest coupons attached thereto, shall be signed by the chairman of the board of county commissioners and countersigned by the auditor of said county, and said auditor shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued and when payable.

Sale of bonds.

Sec. 4. The said board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interest of said county; *provided, how-*

ever, that said bonds shall not be negotiated for less than eighty-five cents on the dollar.

SEC. 5. Said board of commissioners and the proper authorities of said county, shall, and are hereby authorized and directed to levy an annual tax on the taxable property of said county, in addition to all other taxes required by law to be levied, sufficient to pay the interest on said bonds, and the principal of said bonds as they shall mature, which taxes shall be levied and collected in the same manner as other taxes for county purposes are levied and collected, and no part of such tax shall be appropriated to any purpose [other] than the payment of said bonds and the interest thereon.

Tax to be levied

SEC. 6. The proposition to issue said bonds shall be submitted to a vote of the electors of said county at the next annual town meeting after the passage of this act. The ballots shall have written or printed, or partly written and partly printed thereon, the following words:

To be submitted to a vote.

For issue of bonds in aid of railroad, or

Against issue of bonds in aid of railroad.

Said votes shall be cast at said election in same manner as votes cast for town officers, and if, upon a canvass of said votes, in the manner provided for the canvass of votes for county officers, a majority of said voters who shall have voted on said proposition, have voted in favor thereof, the issue of said bonds shall be lawful.

The town clerks of the several towns in said county shall, at the time of giving notice of the annual town meetings, insert in said notices a paragraph setting forth that the question of issuing bonds will be voted on at said town meeting.

Provided, that any neglect or failure on the part of any town clerk to give such notice shall not invalidate said election or prohibit the canvass of votes cast upon such question.

SEC. 7. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved Feb. 26, 1872.

CHAPTER LXIX.

February 29,
1872.

An Act to Authorize the Board of Supervisors of the Town of Willmar to issue Bonds for the Erection of a Court House at the Village of Willmar.

- SECTION 1. Authority to issue bonds for court house.
2. Rate of interest and duration of bonds.
 3. Officers authorized to execute the bonds.
 4. Annual tax for interest to be levied.
 5. Provision for taxation for the principal.
 6. Proposition to issue bonds to be submitted to a vote of the people.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. The board of supervisors of the town of Willmar are hereby authorized and empowered to issue the bonds of said town, (with coupons) not exceeding in amount the sum of two thousand dollars, for the purpose of erecting a court house upon block fifty-one, in the village of Willmar, in said town, which said bonds shall be used for no other purpose.

Duration and
rate of interest
of bonds.

SEC. 2. Said bonds shall bear interest at the rate of ten per cent. per annum, payable semi-annually, at such place as the said board of supervisors may designate therein, and the principal to become due at such time, not less than ten, nor more than fifteen years from their date, as the said board shall designate.

Officers to exe-
cute bonds.

SEC. 3. Said bonds and the coupons thereto attached shall be signed by the chairman of the said board of supervisors and countersigned by the town clerk of said town of Willmar.

Levy of tax.

SEC. 4. It shall be the duty of the said board of Supervisors to levy upon the taxable property of said town, in each and every year during the existence of said bonds, a sum sufficient to pay the interest accruing thereon, during the next year subsequent to such levy, and on or before the 1st day of October of each year to certify, in due form, the same to the county auditor of the county of Kandiyohi

whose duty it shall be to assess the same upon the taxable property of said town, and spread the same upon the annual tax duplicate next after such levy. *Provided*, That should said board deem it necessary to provide for delinquencies in the payment of said taxes, a further sum may be levied and certified as aforesaid, but such additional levy shall not in any one year exceed twenty per cent. of the sum so falling due as aforesaid.

SEC. 5. To provide for the payment of the principal of said bonds it shall be the duty of the said board of supervisors to levy and certify to the county auditor in manner and form as provided in section four of this act, an annual tax upon the taxable property of said town, of such sum as that the aggregate of all of such levies shall amount to the sum of two thousand dollars at the time of the maturity of said bonds, which said sums so levied, shall, when collected and paid over to the town treasurer, remain in said treasurer's hands as a sinking fund for the payment of said principal of said bonds and shall be used for no other purpose whatever. *Provided*, That no levy or assessment for the purposes mentioned in this section, shall be made until the expiration of five years from the date of said bonds.

Tax to pay principal.

SEC. 6. Before any of said bonds shall be issued, the question of issuing them shall be submitted to the legal voters of said town of Willmar at the first annual township election held after the passage of this act, at which said election, voters who favor the issue of said bonds may have printed or written upon their ballots used and voted by them for town officers, the words, "For Court House Bonds," and voters who oppose the issue of said bonds may have printed or written upon their ballots used and voted by them for town officers, the words, "Against Court House Bonds;" said votes so taken shall be canvassed at the same time and by the same officers as votes for town officers, and if upon the canvass thereof it is found that a majority of the voters so voting upon said subject as aforesaid, have voted "For Court House Bonds" then the same may be issued in manner and form as herein provided, and the town clerk shall make a record of the true state of said vote; but if upon such canvass it is found that a majority of such votes are "against Court House Bonds," then said bonds shall not be issued.

To be submitted to vote.

SEC. 7. This act shall take effect from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER LXX.

February 27,
1872.

An Act to Authorize the County Commissioners of Jackson County to issue Bonds for the Purpose of Building a Court House.

- SECTION 1. Authority to issue bonds for erection of court house.
2. Rate of interest and maturity of bonds.
 3. Tax levy required to be made annually for interest and provision by tax for principal.
 4. Officers authorized to execute the bonds.
 5. Authority to negotiate the sale of the bonds.
 6. Proposition to issue bonds to be voted upon.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. The board of county commissioners of Jackson county are hereby authorized to issue bonds for the purpose of erecting a court house at Jackson, the county seat of said county—the total sum of such bonds not to exceed six thousand dollars in such denominations as the county commissioners of said Jackson county may determine.

Rate of interest
and maturity
of bonds.

SEC. 2. Such bonds may bear interest at a rate not exceeding twelve per cent. per annum, payable annually, and the principal payable as follows, to wit: One fourth in five years, one fourth in seven years, one fourth in nine years, and the remaining one fourth in ten years from the date of said bonds.

Tax to meet
principal and
interest.

SEC. 3. The proper authorities of said county shall annually include in the general tax an amount sufficient to pay the interest on said bonds as may be issued, and when any principal is about to become due, a sufficient amount to pay such principal.

Officers to ex-
ecute bonds.

SEC. 4. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county, and countersigned by the auditor of said county, before the same shall be of any validity; and said auditor shall keep a record of all bonds so issued; showing the numbers, dates, amounts, to whom issued, and when payable.

SEC. 5. The said board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interest of said county. *Provided*, That said board shall not negotiate said bonds for less than eighty-five cents on the dollar.

Commissioners
authorized to
negotiate
bonds.

SEC. 6. Said bonds shall not be issued as provided in section one of this act, unless authorized by a majority of the qualified voters of said county, and for the purpose of taking the vote of said voters, the commissioners of said county shall give public notice in some newspaper having general circulation in said county, for at least ten days previous to the next annual town election, and shall also post notices in at least five public places in said county at least ten days previous to said election, setting forth substantially the amount of bonds proposed to be issued or disposed of, and the time of voting upon the question, and those voting in favor of such issue shall have written or printed or partly written and partly printed on the ballots used at such election the words, "For issue of bonds for Court House," and those voting against such issue shall have written or printed or partly written and partly printed on the ballots used the words, "Against the issue of bonds for Court House." Voting shall be done at the usual place of holding elections in said county, and shall be conducted by the same officers, and in the same manner as other elections, and it shall be the duty of the town clerks of the several towns in said county to make a return to the county auditor of said county the vote cast in his town on said proposition, within five days after said election, and the votes shall be canvassed by the auditor and two justices of the peace of said county within ten days after said election, and if a majority of said votes so reported shall be in favor of the issue of said bonds, they shall then be issued, but not otherwise: *Provided*, That if said proposition is defeated at the next annual town meeting, it may be submitted at any future annual town meeting by complying with the provisions of this act.

Submitted to
vote of the
people.

SEC. 7. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 27, 1872.

CHAPTER LXXI.

February 27,
1872.

An Act to Authorize the County Commissioners of the county of Saint Louis, to issue bonds.

- SECTION 1. Authority to issue bonds for public roads.
 2. Rate of interest and maturity of bonds.
 3. Officers authorized to execute bonds.
 4. Annual tax for interest and principal to be levied.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Authority to
issue bonds.

SECTION 1. That the county commissioners of the county of Saint Louis, are hereby authorized and empowered to issue, from time to time, the bonds of the county of Saint Louis, for the purpose of constructing public roads within said county, in a sum not exceeding in the aggregate twenty thousand dollars, and in such denominations as the commissioners of said county may determine.

Rate of interest
and maturity
of bonds.

SEC. 2. Such bonds shall bear interest from the date of their issue, at a rate not exceeding ten per cent. per annum, payable semi-annually; the principal to become due and payable in not less than ten nor more than twenty years from the date thereof.

Who shall ex-
ecute bonds.

SEC. 3. Said bonds shall be signed by the chairman of the board of said commissioners, and countersigned and sealed by the auditor of said county, and shall have interest coupons attached thereto, which said coupons shall be signed by the chairman of said board and countersigned by the auditor of said county; and the said auditor shall keep a record of all the bonds issued under the provisions of this act, giving numbers, dates, and amounts, to whom issued, and when and where payable.

Tax to meet
principal and
interest.

SEC. 4. The said board of commissioners and the proper authorities of said county, shall, and are hereby authorized and empowered to levy an annual tax on the taxable property of said county over and above, and in addition to all other taxes required by law to be levied, sufficient to pay the interest accruing on said bonds, as well as the principal whenever the same may become due, which taxes shall be

levied and collected in the same manner as other taxes for county purposes are levied and collected, and the faith of said county stands pledged for the punctual payment of the interest and principal aforesaid.

SEC. 5. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 27, 1872.

CHAPTER LXXII.

An Act authorizing the Towns of Houston and Yucatan, in the County of Houston, to Issue Bonds to Aid in the Erection of County Buildings in the Village of Houston. February 29.
1872.

- SECTION 1. Authority to issue bonds for erection of county buildings.
2. Requires the question of issuing the bonds to be submitted to a vote.
 3. Annual tax for payment of interest and principal.
 4. Officers authorized to execute bonds.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Each of the towns of Houston and Yucatan, in the county of Houston, is hereby authorized and empowered to issue bonds in the manner hereinafter provided, to an amount not exceeding the sums hereinafter specified, with interest coupons attached, bearing interest at a rate not exceeding twelve per cent. per annum, in such denominations and payable at such time as the town issuing the same shall by vote determine. Which said bonds or the proceeds thereof shall be used in aiding in the erection and construction of a court house, jail, and other county buildings, within the limits of the village of Houston in said county of Houston. The bonds so issued by the said Authority to issue bonds.

towns may be for such amount as the towns issuing the same by vote of the electors determine, not to exceed the several sums hereinafter specified, to said town, respectively, to wit: the town of Houston, not to exceed the sum of twelve thousand (12,000) dollars; the town of Yucatan not to exceed two thousand (2,000) dollars.

**Election called
to vote upon
the proposition**

SEC. 2. The supervisors of each of said towns, severally, may, by causing notice to be given in the same manner that notice of special town meeting is required by law to be given, at any time call a special meeting of the electors of said towns for the purpose of voting upon the question of issuing the bonds of said town for the purpose specified in section one of this act, and to determine the amount, time of payment, and rate of interest of said bonds. The amount of said bonds, time of payment, rate of interest thereon, to be submitted at such meeting, shall, before notice of such meeting is given, be determined by the supervisors, and the amount, time of payment, and rate of interest so determined and proposed to be submitted, shall be specified in the notice of such meeting, and the vote of the electors therefor shall be by ballot; those voting in favor of issuing said bonds having printed or written, or partly printed and partly written on their ballots, the words "for issuing town bonds," and those voting against issuing said bonds having printed or written, or partly printed and partly written on their ballots, the words "against issuing bonds."

**Tax levy for
payment of
principal and
interest.**

SEC. 3. The supervisors of said town shall certify to the county auditor of said county the amount of said bonds due in each year, with the interest thereon; and the said county auditor shall extend the amount of the tax so certified upon the tax list of said town, and the same shall be collected in the same manner as other town taxes.

**Officers to ex-
ecute bonds.**

SEC. 4. The bonds issued under the provisions of this act shall be signed by the chairman of the board of supervisors and countersigned by the town clerk, and said board of supervisors shall have authority to sell or negotiate said bonds at such prices and upon such terms as in their judgment may be best for the purpose above provided for.

**When act to
take effect.**

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER LXXIII.

An Act to Authorize the City of St. Anthony to issue Bonds for the preservation of the Falls of St. Anthony. February 22,
1872.

- SECTION 1. Authority to issue bonds for preserving the Falls of St. Anthony.
2. Payment of bonds and interest to be provided for by tax levy.
 3. Disposition of bonds.
 4. Bonds not to be issued until authorized by vote of the people.
 5. Time of voting and form of ballot.
 6. Common council to issue bonds upon an affirmative vote.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the common council of the city of St. Anthony is hereby authorized to issue the bonds of the city of St. Anthony, to the amount of fifteen thousand five hundred dollars for the purpose of preserving the falls of St. Anthony. That said bonds shall be made payable, in not less than twenty, nor more than thirty years and such bonds shall have interest coupons attached thereto providing for the semi-annual payment of interest at the rate of eight per cent. per annum.

Authority to
issue bonds.

SEC. 2. That the common council of said city shall make provision by the levying of taxes for the payment of said bonds and interest as they shall mature.

Payment of
bonds and in-
terest.

SEC. 3. That said bonds shall be issued and delivered to holders of certificates of said city, who have paid money into the treasury for the purpose of preserving the falls of St. Anthony under resolution of the city council dated July 22, 1871, or if no certificates have been issued, then to such persons who have paid their money into the treasury for that purpose to the extent of the amount above stated.

Disposition of
bonds.

SEC. 4. That no bonds shall be issued by the said common council, under the provisions of this act, unless the issue thereof shall have been approved by a vote of a majority of the qualified electors of said city, who shall vote upon the proposition as hereinafter prescribed.

Authorized by
vote of the peo-
ple.

SEC. 5. That at the annual city election next hereafter to be held, the voters of said city shall vote upon the proposition to issue, or not to issue such bonds, and the clerk of

Time of voting
—form of bal-
lot.

said city is hereby directed to insert in the notices for said election, a brief statement of said proposition; the votes on said proposition shall be on separate ballots. The voters in favor of issuing said bonds shall vote a ballot printed or written or partly printed and partly written, having thereon the words, "Issue of bonds for the preservation of the falls of St. Anthony—Yes," and the voters opposed to the issue of such bonds shall vote a ballot written or printed, or partly written and partly printed having thereon the words, "Issue of bonds for the preservation of the falls of St. Anthony—No." Said votes shall be counted, returned and canvassed in the same manner as the votes for city officers at the same election.

Bonds to issue
upon affirma-
tive vote.

SEC. 6. That if it shall appear that the issue of such bonds shall have been approved by the vote of a majority of the qualified electors of said city, who shall vote upon said proposition at said election, then the common council of said city shall issue such bonds as hereinbefore provided.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER LXXIV.

March 4, 1872.

An Act to authorize the city of Le Sueur to issue bonds in aid of building Machine Shops within that city.

- SECTION 1. Authority to issue bonds for aid in building machine shops.
2. Authorizes an agreement with railroad company.
 3. Proposition for bonds to be voted upon.
 4. Payment of principal and interest to be provided for by taxation.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city of Le Sueur, in the county of Le Sueur, shall have power and it is hereby authorized to issue

its bonds with interest coupons attached, to aid in the building of machine shops and work shops at the city of Le Sueur, for the permanent and continued use of the St. Paul and Sioux City railroad company, in which to make repairs, and manufacture the cars for the use of its railroad, and the purchase of sufficient grounds on which to locate and operate such shops, in a sum not exceeding twenty-two thousand dollars. Said bonds so to be issued by the city of Le Sueur, shall be in sums of not less than one hundred dollars each, and to bear interest at the rate of seven per cent. per annum, and the principal and interest on said bonds shall be payable at such time or times not exceeding twenty years from the date of said bonds as may be agreed on, the bonds and coupons to be issued under the provisions of this act, shall be signed by the mayor of said city and attested by the recorder of said city.

Authority [to
issue bonds.

SEC. 2. The city of Le Sueur, by its common council, is hereby authorized to enter into a contract and agreement with the said St. Paul and Sioux City railroad company, providing for the location, building and permanent use and maintenance of general and principal shops for the repair and manufacture of its cars at said city of Le Sueur, in consideration of the issue of such bonds to it as are contemplated and provided for in this act, which contract shall express the rights of both parties thereto, and shall deliver the amount of bonds to be issued, when to be issued and when payable for the purposes aforesaid, but no part of such contract shall be repugnant to the provisions of this act, and such bonds shall only be issued in accordance with the terms and conditions of such contract.

Agreement
with railroad
company.

SEC. 3. The common council of said city, may, by resolution, provide for the issue of such bonds designating the consideration and terms, and conditions thereof so agreed upon by and between the city of Le Sueur and the Saint Paul and Sioux City railroad company, which said resolution, before the same shall take effect and be binding on said city of Le Sueur, shall be submitted for approval to the qualified voters of said city at any annual, or special election therefor, ordered by the common council of the city, which election shall be held, conducted and the results canvassed and returned in a manner similar to other elections in said city provided for by law, but there shall be at least one week's notice given of the time and places of holding such election and of its object. The ballots to be used at such election shall be, "Resolutions for aid to build shops, *Yes*," "Resolutions for aid to build shops, *No*." If a majority of the ballots cast

Proposition to
be voted upon.

at such election be in favor of the resolution so submitted, then the same shall take effect and be binding on said city and the bonds be issued in accordance therewith; but if a majority of such ballots be against such resolutions, then the same shall be null and void.

Levy of tax.

SEC. 4. For the purpose of providing for the punctual payment of the matured interest and principal of the bonds so to be issued by said city, a tax shall be assessed and levied each year upon the taxable property of said city to an amount sufficient to pay all the interest and principal that will have matured and become payable before the time fixed by law for the collection of such taxes, for the next succeeding year, which tax shall be levied and collected at the same time and in the same manner that other taxes of the city are levied and collected.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER LXXV.

February 27.
1872.

An Act to Authorize the Village of Caledonia to issue Bonds to aid in the Erection of County Buildings at the Village of Caledonia.

SECTION 1. Authority to issue bonds for erection of county buildings.

2. Officers authorized to execute bonds.

3. Officers authorized to negotiate bonds and contract with county commissioners.

4. Annual tax for interest and principal to be levied.

5. Proposition to issue bonds to be submitted to the legal voters of the town.

6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The village of Caledonia, in the county of Houston, is hereby authorized to issue the bonds of said vil-

lage, to aid in the erection of county buildings, at the village of Caledonia, in said county. The issue of said bonds shall not exceed in amount the sum of fifteen thousand dollars, and shall be in denominations of not exceeding one thousand dollars each, and shall draw interest at a rate not exceeding twelve per cent. per annum, payable annually at said village of Caledonia, and said bonds shall be payable within ten years after the issue thereof.

Authority to
issue bonds.

SEC. 2. The bonds named in section one, shall be signed by the president of said village and countersigned by the clerk of said village, who shall keep a record of all bonds thus issued under the provisions of this act, giving the numbers, dates amounts, rates of interest, to whom issued and when payable.

Authority to
execute bonds.

SEC. 3. The trustees of said village of Caledonia may negotiate said bonds at not less than their par value, but the proceeds thereof shall be used only to aid in the erection of county buildings at the village of Caledonia, aforesaid, or they may donate, absolutely or conditionally, said bonds or the proceeds, or any part thereof, to the county of Houston, to aid in the erection of the buildings herein named, and said trustees are hereby authorized and empowered to enter into any agreement or stipulation with the commissioners of said Houston county, in reference to money or the bonds of said village, to aid in the erection of said county buildings, and such agreement or stipulation when complied with on the part of Houston county, shall be binding and irrevocable on the part of said village.

Authority to
negotiate
bonds.

SEC. 4. The trustees of said village of Caledonia, are hereby authorized and required to levy an annual tax on the taxable property of said village in addition to other taxes required by law to be levied, sufficient to pay the interest accruing on said bonds, and the principal of said bonds as they shall mature, which taxes shall be levied and collected as other village taxes, and no part of such tax shall be appropriated for any other purpose than the payment of said bonds and the interest thereon.

Levy of tax.

SEC. 5. The proposition to issue said bonds shall be submitted to a vote of the electors of said village at the next annual election of said village in April, A. D. 1872, or at any special election in the year A. D. 1872. The ballots used at said election shall have written or printed or partly written and partly printed thereon the following words, "For issue of Bonds to aid in the Erection of County Buildings," or "Against the issue of Bonds to aid in the Erection of County Buildings." Said votes shall be cast at said

Proposition to
issue bonds
submitted to a
vote.

election in the same manner as votes cast for village officers, and if, upon the canvass of said votes in manner provided for canvass of votes for village officers, a majority of said electors who shall have voted on said proposition shall have voted in favor thereof, the issue of said bonds shall be lawful. The village clerk shall, at the time of giving notice of such election, insert in said notice a paragraph setting forth that the question of issuing said bonds will be voted upon at such election. *Provided*, that any neglect or failure on the part of the village clerk to give such notice, shall not invalidate said election or prohibit the canvass of votes cast upon said question.

When act to
take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER LXXVI.

February 24,
1872.

An Act Confirming the Action of the City Council of the City of Stillwater, in Issuing Bonds for the Relief of Sufferers by Fire in Minnesota and elsewhere.

SECTION 1. The issue of certain bonds for relief legalized.

2 When act to take effect.

WHEREAS, The city council of the city of Stillwater, did, on the 16th day of October, A. D. 1871, pursuant to the action and request of a public meeting of citizens of said city, adopt the following resolution, to wit:

“Resolved, That the mayor and recorder be and are hereby authorized to issue certificates of indebtedness of the city of Stillwater, to be styled “Stillwater City Relief Bonds,” to be payable eight months from date of issue, with interest at ten per cent. per annum until paid; total issue to be twenty

bonds of one hundred dollars each, the said bonds being issued for the relief of the sufferers by the recent fires, and to be divided as follows, viz:

Resolution of
city council.

To the relief of Minnesota sufferers,	- - -	\$1000
To the relief of Wisconsin sufferers,	- - -	500
To the relief of Chicago sufferers,	- - -	500

And that there be assessed for the payment of the same and interest, the sum of two and a half mills on the dollar valuation of the property of the city: and that the representatives in the legislature of this state from this city be requested to have the said bonds legalized by the state legislature at its next session."

AND WHEREAS, The said mayor and recorder did, in pursuance of said resolution, issue the said bonds to the amount of two thousand dollars, in the manner provided by said resolution, and did appropriate and pay the proceeds of said bonds in the manner and for the purposes prescribed in said resolution, and did also cause to be levied a tax as provided by said resolution, for the payment of said bonds and interest; now, therefore,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the said resolution of the city council of the city of Stillwater and the proceedings thereunder, in issuing the bonds of said city to the amount and for the purposes set forth in the preamble, and levying a tax for the payment of said bonds and interest, be and the same are hereby ratified and confirmed and legalized, and the said bonds declared valid obligations of said city.

Proceedings of
the council
legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER LXXVII

January 26,
1882

*An Act to Authorize the Common Council of the City of
Duluth to issue Bonds for Certain Purposes.*

- SECTION 1. Authority for issuing bonds for improving harbor.
 2. Maturity of bonds and rate of interest.
 3. The faith of the city irrevocably pledged for payment.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. That the common council of the city of Duluth is hereby authorized to issue the bonds of the said city of Duluth to the amount of sixty thousand dollars (\$60,000) and to appropriate the same for the purpose of improving the harbor of said city, and for funding the present indebtedness.

Maturity of
bonds and
rate of interest

SEC. 2. That said bonds shall be of such amount and denomination each as the common council may deem best, to be payable in the city of New York, at an agency of said city, to bear interest at the rate of seven percent. per annum, with interest coupons attached, interest payable semi-annually, and the principal of said bonds at such time after the date thereof, not exceeding twenty years, as said common council may determine.

Faith of the
city pledged.

SEC. 3. That the faith of said city of Duluth is irrevocably pledged to the payment of the interest and principal of said bonds, and to secure the same a tax shall be levied and collected annually after such issue for said purpose.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved Jan. 26, 1882.

CHAPTER LXXVIII.

*An Act Authorizing the City of Minneapolis to Borrow Money for Certain Purposes Therein Named.*February 20,
1872.

- SECTION 1. Authority to issue bonds for preserving the Falls of St. Anthony.
2. Authority to issue bonds for sewerage and other city indebtedness.
 3. Provision for payment of interest and principal to be made by the council.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the city of Minneapolis, by ordinance or resolution of the common council of said city, is hereby authorized to issue coupon bonds of said city, in such denominations and payable at such place and times, not less than ten years nor more than twenty years, as the common council may prescribe, and drawing interest at the rate of eight per cent. per annum, payable semi-annually; the said bonds in the aggregate not to exceed eighty-four thousand, five hundred dollars (\$84,500). Said bonds shall be disposed of at not less than the par value thereof and used exclusively to aid in the preservation of the Falls of St. Anthony, in pursuance of the resolution of said common council of July 24th, 1871, pledging the faith of the city to issue the same whenever authority therefor might be obtained from the legislature, and in every case when any person has, upon the faith of the pledge contained in said resolution of July 24th, 1871, subscribed for any portion of said bonds and actually paid in upon such subscription any portion thereof, such person shall be allowed interest as aforesaid upon the amount of such payment from the time when the same was made, which said amount of interest shall be included in the interest coupon first to become due upon the bond issued to cover such payment.

Authority to
issue bonds.

SEC. 2. That said city is also hereby authorized by an ordinance or resolution of the common council of said city to borrow upon its credit a sum not exceeding twenty-five thousand dollars, for the purpose of liquidating any indebt-

Authority to
issue bonds.

edness heretofore or hereafter to be contracted for sewerage purposes in said city, also a sum not exceeding twenty thousand dollars, to discharge liabilities incurred or hereafter to be incurred for waterworks improvement purposes; also, the further sum of twenty thousand dollars for such other city purposes as the said common council of said city may, by a vote of two-thirds of its members, taken by ayes and noes and recorded, determine. The bonds to be issued under this section of this act shall be coupon bonds drawing semi-annual interest at the rate of seven per cent. per annum, of such denominations and payable at such place and time or times, not exceeding thirty years, as may be determined by the said council.

Tax to meet
principal and
interest.

SEC. 3. It shall be the duty of said common council of said city to make provision for the prompt payment of both principal and interest of any and all bonds that may be issued under the authority of this act.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 20, 1872.

CHAPTER LXXIX.

February 29,
1872.

An Act to Authorize the City of Shakopee to Issue Bonds in Aid of Building Machine Shops within that City.

SECTION 1. Authority to issue bonds for machine shops.

2. Authority to contract with railroad company for location of machine shops, in consideration of the bonds.
3. Bonds not to be issued until contract is approved by a vote of the people.
4. Payment of interest and principal to be provided for by taxation.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
issue bonds.

SECTION 1. The city of Shakopee, in the county of Scott, shall have power and it is hereby authorized to issue its

bonds with interest coupons attached, to aid in the building of machine shops and work shops at the city of Shakopee, for the permanent and continued use of the St. Paul and Sioux City Railroad Company, in which to make repairs and manufacture the cars for the use of its railroads, and the purchase of sufficient grounds on which to locate and operate such shops, in a sum not exceeding twenty-two thousand dollars. Said bonds to be issued by the city of Shakopee shall be in sums of not less than one hundred dollars each, and bear interest at the rate of seven per cent. per annum, and the principal and interest on said bonds shall be payable at such time or times not exceeding twenty years from the date of said bonds as may be agreed on. The bonds and coupons to be issued under the provisions of this act shall be signed by the mayor of said city and attested by the recorder of said city.

Authority to
issue bonds.

SEC. 2. The city of Shakopee, by its common council, is hereby authorized to enter into a contract and agreement with the said St. Paul and Sioux City railroad company, providing for the location, building and permanent use and maintenance of its general and principal shops for the repair and manufacture of its cars at said city of Shakopee, in consideration of the issue of such bonds to it as are contemplated and provided for in this act, which contract shall express the rights of both parties thereto, and shall determine the amount of bonds to be issued, when to be issued, and when payable, for the purposes aforesaid, but no part of such contract shall be repugnant to the provisions of this act, and such bonds shall only be issued in accordance with the terms and conditions of such contract.

Agreement
with railroad
company.

SEC. 3. The common council of said city may, by resolution, provide for the issue of such bonds, designating the consideration and terms and conditions thereof, so agreed upon by and between the City of Shakopee and the Saint Paul and Sioux City railroad company, which said resolution, before the same shall take effect and be binding on said city of Shakopee, shall be submitted for approval to the qualified voters of said city at any annual or special election therefor, ordered by the common council of the city, which election shall be held, conducted, and the result canvassed and returned in a manner similar to other elections in said city, provided for by law; but there shall be at least one week's notice given of the time and places of such election, and of its object. The ballots used at such election shall be "Resolution for aid to build shops, Yes," or "Resolution for aid to build shops, No." If a majority of the bal-

Bonds not
issued until
contract is ap-
proved.

lots cast at such election be in favor of the resolution so submitted, then the same shall take effect and be binding on said city and the bonds be issued in accordance therewith, but if a majority of such ballots be against such resolution, then the same shall be null and void.

Payment of
principal and
interest.

SEC. 4. For the purpose of providing for the punctual payment of the matured interest and principal of the bonds so to be issued by said city, a tax shall be assessed and levied each year upon the taxable property of said city, to an amount sufficient to pay all the interest and principal that will have matured and become payable before the time fixed by law for the collection of such taxes for the next succeeding year, which tax shall be levied and collected at the same time and in the same manner that other taxes of the city are levied and collected.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER LXXX.

February 29,
1872.

An Act to Remove the County Seat of Cottonwood County from Section Six (6) in the Town of Great Bend, to Windom.

SECTION 1 Authority to remove county seat to Windom.

2. Proposition to be submitted to the electors of the county.
3. Form of ballot to be used.
4. Officers authorized to canvass the vote and declare the result.
5. Repeal of inconsistent acts.
6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Removal of
county seat.

SECTION 1. That the county seat of Cottonwood county be and the same is hereby removed from its present location

on section six (6) in the town of Great Bend, and is established and located at Windom, on section twenty-five (25), in said township of Great Bend.

SEC. 2. At the time of giving the notice of the next general election, it shall be the duty of the officers in said county required by law to give notice of such election, to insert in the notice for said election an article requiring the electors of said county to vote at said election upon the question of the adoption of section one of this act. But no failure of or irregularity in such notice shall in any way vitiate the vote on such question.

To be submitted to a vote.

SEC. 3. At said election the electors of said county in favor of the removal of the said county seat as provided in this act, shall have distinctly written or printed, [or partly written and partly printed] on their ballots, "For removal of County Seat;" those opposed to such removal, "Against removal of County Seat," and such ballots shall be received by the judges of election and canvassed at the same time, in the same manner, and returned to the same office as ballots for county officers.

Form of ballot.

SEC. 4. The canvassing board for said county shall canvass the returns upon said question, at the same time and in the same manner as returns for county officers, and the abstract thereof shall be duly certified, and a duly certified copy thereof shall within three days after such canvass, be forwarded to the secretary of state, and the governor shall thereupon, forthwith, if section one (1) of this act shall be adopted, make proclamation to that effect in such manner as he may deem advisable.

Canvass of votes.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER LXXXI.

February 26.
1872.

An Act to remove the County seat of Houston County.

- SECTION 1. Authority to remove county seat after a vote to that effect.
 2. Notice of the election for this purpose to be given.
 3. Form of ballot to be used.
 4. By whom the votes shall be canvassed.
 5. Proceedings of the canvassing board.
 6. County records to be removed to the new county seat.
 7. Repeal of inconsistent acts.
 8. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The county seat of the county of Houston in the state of Minnesota, is hereby removed from the town of Caledonia, where it is now located, to the village of Houston in said county; provided that a majority of the voters voting at the next general election, after the passage of this act shall ratify this act.

SEC. 2. It shall be the duty of the officers of each of the voting precincts in the said county of Houston, whose duty it is to give notice of general election, at the time of giving notice of the next general election, to be held in the year one thousand eight hundred and seventy two, (1872) to give notice at the same time that at such election the provisions of this act will be submitted to the electors of said county of Houston for their approval or rejection.

SEC. 3. At said election each voter in said county in favor of the removal of the county seat, as provided in this act, shall have plainly written or printed, or partly written or partly printed, on their ballots, "For the removal of the county seat," those opposed to the removal of county seat, shall have plainly written or printed, or partly written and partly printed on their ballots, "Against removal of county seat."

SEC. 4. Such vote shall be received and canvassed at the same time and in the same manner, and returns thereof made to the same officers by the judges of election in the several voting precincts in said county, as votes for county officers are required to be canvassed and returned.

SEC. 5. The county canvassing board of said county, shall canvass the returns of the votes upon the said proposition, to remove the county seat in the same manner and at the same time as returns of the votes for the county officers are required by law to be canvassed, and the abstract thereof shall be made on one sheet, and signed and certified in the same manner, as in the case of the abstract of votes for county officers, and shall deposit the same in the county auditor's office immediately thereafter, and a copy thereof duly certified by the county auditor immediately inclosed and forwarded by him to the secretary of the state, as provided by section twenty one (21) of chapter one (1) of the general statutes, and if it appears that a majority of all the votes cast at said election were in favor of said removal provided for in this act, the governor shall make proclamation to that effect in such manner as he shall deem advisable.

Proceedings of
canvassing
board.

SEC. 6. In case the county seat of said county of Houston shall be removed, as provided in the preceding sections of this act, it shall be the duty of the county commissioners of the said county of Houston, to provide suitable offices at the said village of Houston for the county officers, and all the records of said county shall be immediately removed thereto by the several officers having them in charge.

Removal of
county records

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of in-
consistent acts.

SEC. 8. This act shall take effect and be in force on and after its passage, except as to section one of this act, which shall take effect after said section has been ratified by the electors of said county, as proposed in this act.

When act to
take effect.

Approved February 26, 1872.

CHAPTER LXXXII.

February 27.
1872.

An Act to Locate the County Seat of Chippewa County

- SECTION 1. Requires notice of an election to establish county seat to be given
 2. Form of ballot to be used.
 3. Duties of canvassing board.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota

Notice of elec-
tion.

SECTION 1. At the next general election in the county of Chippewa, it shall be the duty of the officers of said county required by law to give notice of general elections, to give notice in like manner, that at the general election held in the county of Chippewa, that a vote will be taken to establish the county seat of Chippewa at Montevideo.

Form of ballot

SEC. 2. At said election the voters in each election precinct shall have distinctly written or printed, or partly written and partly printed on their ballots, "For county seat at Montevideo yes," those opposed shall have written or printed, or partly written and partly printed on their ballots "For county seat at Montevideo, no." The votes upon said question shall be canvassed in the same manner and returned to the same officers by the judges of election of the several townships as votes for county officers.

Duties of can-
vassing board.

SEC. 3. The county officers to whom the returns are made, shall within ten days after said election, canvass the votes returned for and against establishing said county seat and shall forthwith certify the result of such canvass to the governor, who if it appears that a majority of the voters of said county, present and voting at said general election upon the question of establishing the county seat as proposed in this act, shall have voted in favor thereof, shall make proclamation thereof by causing to be published in two daily newspapers in the City of St. Paul, that the establishing of said county seat has been ratified by a majority of the voters of said county.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its ratification.

Approved February 27, 1872.

CHAPTER LXXXIII.

*An Act to Provide for the Removal of the County Seat of
Otter Tail County.*February 23,
1872.

- SECTION 1. Removal of county seat authorized.
2. Notice of election to vote upon the removal to be given.
 3. Form of ballot to be used.
 4. Duties of canvassing board.
 5. Repeal of inconsistent acts.
 6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The county seat of Otter Tail County is hereby removed from Otter Tail City, to the Village of Fergus Falls in said county, and the same is hereby located upon the N. W. $\frac{1}{4}$ of section three (3) township one hundred and thirty-two (132,) range forty-three, (43,) [as] hereinafter provided.

Removal of
county seat.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers in said county required by law, to give notice in like manner, that at said election the question will be submitted to the electors of said county, as to whether this law shall be adopted.

Notice of elec-
tion.

SEC. 3. At said election, the electors of said county in favor of the adoption of this law, shall have distinctly written or printed, or partly written and partly printed on their ballots, "For removal of the county seat." Those opposed to such adoption, the words: "Against the removal of county seat." Such votes shall be received and canvassed at the same time, in the same manner, and returned to the same officers by the judges of election as votes for county officers.

Form of ballot.

SEC. 4. The county canvassing board of said county to whom the returns of election are made, shall canvass the returns upon said question in the same manner and at the same time as returns for county officers, and the abstracts thereof shall be made out on one sheet, and signed and certified in the same manner as in the case of abstract votes for said officers, and shall be deposited in the county auditor's

Duties of can-
vassing board.

office immediately thereafter and a copy thereof duly certified by the said auditor, forwarded by him to the secretary of state, and the governor shall thereupon forthwith, if this law is adopted, make proclamation to that effect in such manner as he shall deem advisable, and within sixty (60) days thereafter all the officers who are required by law to hold their offices at the county seat of said county shall, remove to and hold their office at said Village of Fergus Falls.

Repeal of inconsistent acts.

Sec. 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

When act to take effect.

Sec. 6. Section one of this act shall take effect and be in force from and after the ratification hereof as aforesaid, and the other sections of this act shall take effect and be in force from and after its passage.

Approved February 28 1872.

CHAPTER LXXXIV.

February 20,
1872

An Act to remove the County Seat of Le Sueur County.

- SECTION 1. Provides for removal of county seat.
2. Submission of the question to a vote of the people.
 3. Form of ballot to be used.
 4. Duties of the county canvassing board.
 4. Repeal of inconsistent acts.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Removal of county seat.

SECTION 1. That the county seat of the county of Le Sueur be, and the same is hereby removed from its present location to the north half of section five (5), in township one hundred and ten (110), and the south half of section thirty-two (32), in township one hundred and eleven (111), both in range twenty-four (24) west, in said county.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers of said county of Le Sueur required by law to give notice, of said election, to give notice in like manner that at said election a vote will be taken on the question of adopting this act, removing the county seat of said county from the borough of Le Sueur, to the north half of section (5), in township one hundred and ten (110), and the south half of section thirty-two (32), in township one hundred and eleven (111), both in range twenty-four (24) west in said county. But no failure of or irregularity in such notice shall in any way vitiate the vote on such question.

Submitted to
vote of the
people.

SEC. 3. At said election, the electors of said county who may favor the adoption of this act, for removal of said county seat as hereinbefore provided for, shall have written or printed or partly written and partly printed on the general ballots used by them at such election, the words, "For Removal of County Seat," and the electors of said county who may oppose such removal, shall have written or printed or partly written and partly printed on the general ballots used by them at such election, the words, "Against Removal of County Seat." Such votes shall be canvassed and returned to the said officers by the judges of election of the several towns and precincts of said county, as votes for county officers.

Form of ballot.

SEC. 4. The county canvassing board of said county, to whom said election returns are made, shall canvass the votes on said question at the same time and in the same manner as returns of votes for county officers, and if, upon such canvass being made, it shall appear that a majority of the votes cast at such election, were voted in favor of the adoption of this act, and the removal of said county seat, an abstract of the canvass of said votes shall be made on one sheet, signed and certified in the same manner as in cases of abstracts of votes for the county officers, and shall be deposited in the office of the county auditor of said county, and the said county auditor shall immediately thereafter transmit to the secretary of state a copy of said abstract duly certified by said auditor and the governor shall thereupon forthwith make proclamation as provided by law in such cases, and within one year thereafter all officers who are required by law to hold their offices at the county seat of said county, shall remove to and hold their offices at the north half of section five (5), in township one hundred and ten (110), and the south half of section thirty-two (32), in township one hundred and eleven (111), all in range twenty-four (24) west in said county, which,

Duties of canvassing board.

from henceforth shall continue to be the county seat of said county of Le Sueur.

Repeal of inconsistent acts.

SEC. 5. All acts or parts of acts inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 6. This act shall take effect from and after its passage as to its provisions for submitting the question to a vote of the electors of said county, and shall go into full force upon the proclamation therein provided.

Approved February 29, 1872.

CHAPTER LXXXV.

February 27,
1872.

An Act to Vacate the town of Paris, in McLeod County, and Attach the same to the Town of Hutchinson, in said County.

SECTION 1. Town site vacated.

2. All books, papers, &c., to be transferred to town of Hutchinson.
3. Not to effect any justice of the peace or county commissioner heretofore elected.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Town site vacated.

SECTION 1. The town of Paris, in the county of McLeod, in the state of Minnesota, to wit: Township one hundred and sixteen (116), of range twenty-nine (29), is hereby, as a municipal corporation, vacated and abolished, and the territory included within the limits of the said town of Paris, shall hereafter constitute and be a part of the town of Hutchinson, in said county of McLeod, for all purposes whatsoever.

SEC. 2. All books, records and papers, now in the office of the town clerk of said town of Paris, shall be, on or be-

fore the sixth day of March, A. D. 1872, transferred and delivered by the town clerk of the said town of Paris, to the town clerk of the town of Hutchinson, aforesaid, whose duty it shall be to receive and preserve, use and treat said books, records and other papers in the same manner for all purposes whatsoever, as books, records and papers originally filed in and belonging to his office as town clerk of said town of Hutchinson.

Transfer of
books, &c.

SEC. 3. The office of no justice of the peace or county commissioner shall be, by the provisions of this act, affected in any manner during the term for which such justices of the peace or county commissioners has been elected, but such justices of the peace and county commissioners shall hold and enjoy their respective offices for and during the full term for which they had been elected.

Not to affect
officers hereto-
fore elected.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 27, 1872.

CHAPTER LXXXVI.

An Act to change the boundaries of the township of Cannon City, and add certain Sections and parts of Sections thereto.

February 21,
1872.

SECTION 1. Change of town boundaries.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all that part of township number one hundred and ten (110), north of range number twenty (20), west of the fifth principal meridian, lying north and east of the limits of the city of Faribault, in the county of Rice,

Change of
boundaries.

and state of Minnesota, and being all of sections six (6), seven (7), eighteen (18), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36), the west half of sections eight (8), seventeen (17) and twenty-eight (28), and the north half of sections nineteen (19) and twenty (20), in said township number one hundred and ten (110), north of range number twenty (20) west, to be added to and made a part of the town of Cannon City, and the inhabitants thereof shall be citizens of and legal voters in said town of Cannon City.

When act to
take effect.

SEC. 2. That this act shall take effect and be in force from and after the first Tuesday of April, 1872. *Provided*, that on that day a majority of the legal voters of the city of Faribault shall vote for a city charter to incorporate the same and not otherwise.

Approved February 24, 1872.

CHAPTER LXXXVII.

February 27,
1872.

An Act for an Act for the Removal of the County Seat of Scott County from Shakopee City to the Village of Jordan, in the Town of Sand Creek.

SECTION 1. Removal of county seat authorized.

2. Notice of election for submission of the question to be given.
3. Form of ballot to be used.
4. Manner of canvassing the voter.
5. Deposit of money to be made for erection of county building.
6. Obligations, bonds, &c., of the town to secure the county seat, to be used in the county.
7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Removal of
county seat.

SECTION 1. The county seat of Scott county is removed from Shakopee city to the village of Jordan, in the town of

Sand Creek, subject to the provisions contained in section eight (8) of this act.

SEC. 2. At the time of giving the notice of the next general election it shall be the duty of the officers in said county required by law to give notice of such election, to give notice in like manner, that at said election the question will be submitted to the electors of said county as to whether this law shall take effect and be adopted by them. *Provided*, That the neglect to give such notice shall not invalidate such election.

Notice of election.

SEC. 3. At said election the electors of said county in favor of the adoption of this law shall have written or printed, or partly written and partly printed on their ballots, "For removal of the County Seat." Those opposed to such adoption shall evince their opposition in the same manner by the words, "Against the removal of the County Seat."

Form of ballot.

SEC. 4. Such ballots shall be received and canvassed at the same time and in the same manner and returns made to the same officers by the judges of election as returns for county officers.

Canvassing vote.

SEC. 5. The county canvassing board of said county, to whom the returns of election are made, shall canvass the returns upon said question in the same manner and at the same time as the returns of county officers, and the abstract thereof shall be made, signed and certified in the same manner as is the abstract of votes for county officers, and shall be deposited in the county auditor's office immediately thereafter, and a copy thereof duly certified by the auditor, forwarded by him to the secretary of state; and the governor shall thereupon, forthwith, if this law is adopted, make proclamation to that effect in such manner as he shall deem advisable.

Duties of canvassing board.

SEC. 6. It shall be lawful for any citizen or citizens, trustees of any corporation or committee, to deposit in the First National Bank of St. Paul or the First National Bank of Shakopee, any sum or sums of money, subject to the order of the board of county commissioners of the county of Scott and their successors in office, which money is only to be used for the purpose of erecting county buildings at the village of Jordan, in the town of Sand Creek, in case of the removal of said county seat pursuant to the provisions of this act.

Deposit of money for erection of county buildings.

SEC. 7. All obligations, subscriptions, bonds, deeds, made or donated for the purpose of erecting county buildings at Jordan, in the town of Sand Creek, as contemplated in

Bonds, &c., vested in the county.

When act to
take effect.

this act, shall be valid in the law and become the property of the county of Scott and may be recovered by suit in any court having jurisdiction.

SEC. 8. This act shall take effect and be in force from and after its passage except as to section one (1) of this act, which shall take effect after its submission to and adoption by the electors of said county of Scott at the next general election after the passage hereof, and in case this law is adopted by a majority of the electors voting at said election, all officers who are required to hold their office at the county seat shall within sixty (60) days after such adoption remove to and hold their office in the said village of Jordan. *Provided*, That there is deposited in the First National Bank of Shakopee or the First National Bank of St. Paul, for the use of the county, for county buildings, an amount equal to the value of the present court house at Shakopee, and that offices for the county officers and court room shall be furnished, free of expense to the county, until such time as the permanent county buildings shall be completed with means furnished by the citizens of Jordan.

Approved Feb. 29, 1872.

CHAPTER LXXXVIII.

February 29,
1872.

An Act for an Act to Establish the County Seat of Lyon County.

SECTION 1 Location of county seat.

2. Notice of voting upon location to be given and form of ballot to be used.
2. Return of votes to be canvassed.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Location of
county seat.

SECTION 1. The county seat of the county of Lyon is hereby located upon the northwest quarter of section number

twenty-seven(27,) township number one hundred and eleven (111,) north of range number forty-two (42) west. *Provided, however,* That the legal voters of said county of Lyon shall, at the next general election, vote for or against locating the county seat at the above named point.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the auditor of said county to give notice in like manner, that at said election a vote will be taken on the establishment of the county seat of said county of Lyon, and the ballots cast at said election shall have printed or written, or partly printed and partly written thereon, the words "For locating county seat upon the northwest quarter of of section twenty-seven, town one hundred and eleven, range forty-two west," or "Against locating county seat upon the northwest quarter of section twenty-seven, town one hundred and eleven, range forty-two west." The votes upon said question shall be canvassed in the same manner and returned to the same office by the judges of election of the several townships as votes for county officers.

Notice of election—form of ballot.

SEC. 3. The officer to whom the returns are made shall within ten (10) days after said election, canvass the votes returned for and against locating the county seat as above mentioned, and if it shall appear that a majority of the votes have been cast in favor of the location of the county seat at the above point, then the county seat shall be and remain at said point until changed in accordance with the statute in such case made and provided; but if it shall appear that a majority of the votes cast are against locating the county seat at said point, then the county seat of said county of Lyon is, and shall thenceforth be, permanently established upon the southeast quarter of section number thirty-three, town one hundred and eleven, range forty-two west.

Votes to be canvassed.

SEC. 4. This act shall take effect and be in force from and after its passage. *Provided,* That nothing in this act shall be construed to effect or change the county seat from its present location until it shall appear that a majority of votes cast at the election herein provided in said county of Lyon, are in favor of such removal.

When act to take effect.

Approved February 29, 1872.

CHAPTER LXXXIX.

February 3,
1872.

*An Act to Remove the County Seat of Stevens County
from Gager's Station to Morris.*

SECTION 1. Removal of county seat.

2. Question to be submitted to a vote of the people.
3. Form of ballot.
4. Manner of canvassing votes.
5. Duties of county canvassing board.
6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Removal of
county seat.

SECTION 1. That the county seat of Stevens county is hereby removed from Gager's Station to Morris in said county.

To be submit-
ted to vote.

SEC. 2. At the time of giving notice of the next general election it shall be the duty of the officers of said Stevens county required by law to give notice of such election, to give notice in like manner that at said election the question will be submitted to the electors of said county of Stevens as to whether this law shall take effect and be adopted by them.

Form of ballot.

SEC. 3. At said election the electors of said county in favor of the adoption of this law shall have distinctly written or printed, or partly written and partly printed on their ballots, the words "For removal of the County Seat." Those opposed to such adoption shall evince their opposition in the same manner by the words "Against the removal of the County Seat."

Canvass of
votes.

SEC. 4. Such ballots shall be received and canvassed at the same time, in the same manner, and returns made to the same officers by the judges of election as returns for county officers.

Duties of can-
vassing board.

SEC. 5. The county canvassing board of said county, to whom the returns of said election are made, shall canvass the returns upon said question in the same manner and at the same time as returns for county officers, and the abstract of votes certified to by the judges of election and deposited

in the county auditor's office, and a copy thereof duly certified to by the auditor, forwarded by him to the secretary of state; and the governor shall thereupon, forthwith, if this law is adopted, make proclamation to that effect in such manner as he shall deem advisable.

SEC. 6. This act shall take effect and be in force from on and after its passage except as to section one of this act, which shall take effect after said section has been ratified by the electors of said county as proposed in this act.

When act to
take effect.

Approved February 3, 1872.

CHAPTER XC.

An Act for removing the County Seat of Pine County from Chengwatana to Pine City :

February 23,
1872.

- SECTION 1. County seat to be removed.
2. Question to be submitted to the voters.
 3. Form of ballot to be used.
 4. Return of votes, by whom made.
 5. Duties of county canvassing board.
 6. Deposits and donations of money towards erection of county buildings made lawful.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The county seat of Pine county, is hereby removed from the town of Chengwatana to Pine City subject to the proviso contained in section seven (7.)

County seat to
be removed.

SEC. 2. At the time of the giving of the notice of the next general election, which shall be the duty of the officers in said county required by law to give notice of such election, to give notice in like manner, that at said election the ques-

To be submit-
ted to a vote.

tion will be submitted to the electors of said county, as to whether this law shall take effect and be adopted by them.

Form of ballot.

SEC. 3. At said election, the electors of said county in favor of the adoption of this law shall have distinctly written or printed, or partly written and partly printed on their ballots, "For removal of county seat to Pine City." Those opposed to such adoption shall evince their opposition in the same manner by the words, "Against removal of county seat."

Canvass of votes.

SEC. 4. Such ballots shall be received and canvassed at the same time, in the same manner, and returned to the same officer by the judges of election, as ballots for county officers.

Duties of canvassing board.

SEC. 5. The county canvassing board in said county, to whom the returns of election are made, shall canvass the returns upon said question, in the same manner and at the same time, as returns for county officers, and the abstract thereof shall be made on one (1) sheet and signed and certified in the same manner as in the case of the abstract of votes for said officers, and shall be deposited in the county auditor's office immediately thereafter, and a copy thereof duly certified by the auditor, forwarded by him to the secretary of state, and the governor shall thereupon, forthwith, if this law is adopted, make proclamation to that effect in such manner as he shall deem advisable.

Deposits and donations.

SEC. 6. It shall be lawful for any citizen or citizens of said county to deposit any sum of money, or bonds, with the county treasurer, which they may propose to donate for the erection of public buildings at the said Pine City.

When act to take effect.

SEC. 7. This act shall take effect and be in force on and after its passage, except as to section one (1) of this act, which shall take effect after its submission to the electors of said county at the next general election after its passage hereof and its adoption by a majority of such electors and not before, and in case the same is adopted all officers who are required to hold their offices at the county seat, shall within thirty (30) days after such adoption, move and hold their offices at said Pine City.

Approved February 28, 1872.

CHAPTER XCI.

An Act providing for the Removal of the County Seat of Carver County, from Chaska to Benton, in said County. February 28,
1872.

- SECTION 1. Removal of county seat authorized.
2. Question to be submitted to the voters.
 3. Form of ballot to be used.
 4. Manner of voting and canvass of votes.
 5. If adopted, governor to make proclamation thereof, and county officers to remove.
 6. Duties of the county commissioners, to issue bonds for county buildings.
 7. Authority to negotiate sale of bonds.
 8. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county seat of the county of Carver is hereby removed from Chaska to Benton, and located on the south west quarter of section (12) twelve, township (115) one hundred and fifteen, range (25) twenty five, in said county of Carver; provided a majority of the electors of said county shall vote in favor thereof. Removal of
county seat.

SEC. 2. In the notice for the election of officers at the general election in November 1872, it shall be the duty of the officers to also give notice that at said general election, the question of the removal of the county seat of Carver county, from Chaska to Benton in said county, will be submitted to said electors. To be submit-
ted to a vote.

SEC. 3. At said general election, the electors of said county of Carver shall vote for or against the said removal of said county seat as follows: The ballots shall be printed or written, or partly printed and partly written on their ballots the words—"For removal of county seat from "Chaska to Benton" or—"Against removal of county seat from "Chaska to Benton." Form of ballot.

SEC. 4. The ballots voted on the question of removal of county seat, shall be deposited in a separate ballot box, and shall be on a separate ballot or ticket. This separate ballot box shall be prepared by the judges of each election district, and said separate ballots on said county seat removal ques- Canvass of
votes.

tion shall be separately canvassed and counted, but canvassed and counted at the same time and in the same manner, and returns made to the same officers to whom returns are made for state officers.

Proclamation of governor—officers to remove.

SEC. 5. If this act is adopted by a majority of the electors of said county of Carver, voting at said election at the next general election, it shall be the duty of the governor to issue his proclamation to that effect immediately after he is advised thereof. It is hereby made the duty of all officers who are required by law to hold their respective offices at the county seat, to remove their said offices, books and records to the new county seat at Benton, within thirty days from the completion of the new county and public buildings, or after said public buildings are ready for occupancy without further notice, and any failure to so remove said offices shall operate as a forfeiture of their said offices.

Duties of commissioners—to issue bonds.

SEC. 6. After the proclamation of the governor of the state, that a majority of the electors of said county of Carver has voted in favor of said removal of said county seat from Chaska to Benton as herein provided, it shall be the duty of the board of commissioners of said county of Carver, to call a meeting of said board, to meet at the court house in Chaska, within one month after the publication of said governor's proclamation, and then and there offer proposals for bids to erect a court house and other necessary public buildings at Benton and to contract therefor, and said board are hereby specially authorized and empowered to provide means to pay for the same, either by levying taxes on the property of the owners thereof, or said board if they deem it most expedient are hereby fully authorized and empowered to issue the bonds of said county to the amount of the cost of said public buildings, in a sum not to exceed twelve thousand dollars, to bear interest at the rate of ten per cent per annum, payable semi-annually in the City of New York, or in the City of St. Paul, county of Ramsey and state of Minnesota, said bonds to be in denominations of not less than two hundred and fifty dollars, to become due and the principal payable in twenty years from the date of the issue thereof.

Authority to negotiate sale of bonds.

SEC. 7. The board of commissioners of said county, are hereby authorized to employ some person or persons to negotiate said bonds, and the proceeds of said sale of said bonds shall be solely applied to the payment for said public buildings and none other. It shall also be the duty of said board of commissioners to levy and assess annually a sum or sums sufficient to pay the semi-annual interest on said bonds, and to

provide a sinking fund to meet and pay the principal of said bonds promptly as they shall become due.

SEC. 8. This act to take effect as herein provided.

Approved February 28, 1872.

CHAPTER XCII.

An Act to Amend Section Thirteen, of Chapter One Hundred and Thirty-four, of the Special Laws of 1867, Relative to the Mississippi and Rum River Boom Company.

February 28,
1872.

SECTION 1. Amendment to chapter 34 of special laws of 1867, relating to booms.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section thirteen, of chapter one hundred and thirty-four, of the special laws of eighteen hundred and sixty-seven, be and the same is hereby amended by inserting after the words "authorized and required," in the fourth line of said section as printed in the published session laws of that year, the following words: "At any place or places upon and along either bank of the Mississippi River, and extending back from said river to a distance not exceeding four rods from the top of the bank; also any islands or parts of islands in said river."

Amendment to
chapter 34,
special laws.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 28, 1872.

CHAPTER XCIII.

February 28,
1872.

An Act to Confirm the Sale of the Line of Railroad of the St. Paul and Chicago Railway Company, extending from St. Paul to La Crescent, and to Authorize the Milwaukee and St. Paul Railway Company, the Purchaser Thereof, to Own and Operate the Same.

- SECTION 1. Sale of railroad legalized, and corporate rights vested in purchaser.
2. Continuous connection required with the line into Dakota and Henry's counties.
 3. Freight and passengers to be carried at reasonable rates.
 4. Form of acceptance of this act.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Sale of railroad
legalized.

SECTION 1. That the Milwaukee and St. Paul railway company, having acquired by purchase the line of railroad extending from the city of St. Paul to Winona and La Crescent, which purchase is evidenced by the deed of the St. Paul and Chicago railway company, bearing date the third day of January, A. D. eighteen hundred and seventy-two, and duly recorded in the office of the secretary of state of this state, they, the Milwaukee and St. Paul railway company, may use and exercise within this state, all the rights, privileges and franchises which have been heretofore or which shall hereafter be conferred on the St. Paul and Chicago railway company, or upon the St. Paul and Pacific railroad company, appertaining to the use, operation or construction of said line of railroad between the city of St. Paul and the south line of this state, including the right to borrow money and to give mortgage or trust deeds as security for the payment thereof, and they, the Milwaukee and St. Paul railway company, shall be subject to all the duties and liabilities heretofore imposed upon said St. Paul and Chicago railway company, or upon the St. Paul and Pacific railroad company, relating to the line of railroad purchased by the Milwaukee and St. Paul railway company. *Provided, That the rights, privileges and franchises conferred by this section*

upon the Milwaukee and St. Paul railway company, shall refer and apply only to the line of road of the said St. Paul and Chicago railway company, purchased and which purchase is hereby confirmed.

SEC. 2. The said Milwaukee and St. Paul railway company shall, on and after the acceptance of this act, make and maintain a continuous connection through the city of St. Paul, between the line of railway so purchased of the St. Paul and Chicago railway company and its present line of railway in Dakota and Hennepin counties, heretofore belonging to the Minnesota Central railway company, and to that end the said Milwaukee and St. Paul railway company may make with any other railroad company such arrangements for the use of any portion of its tracks and road beds as may be necessary, or may at any time hereafter to the extent which may be reasonably necessary to the establishment and maintenance of such connection, enter upon and cross over or under the tracks, road bed and lands of any other railroad corporation, and any other lands, streets and highways, with its own tracks necessary to maintain such connection, condemning the same to its own use in the same manner and upon the like terms and conditions as the St. Paul and Chicago railway company or the St. Paul and Pacific railroad company are authorized to condemn land for right of way and railway purposes, but the right to condemn and occupy any other street in the city of St. Paul shall not be exercised so long as said company have the right to use the public levee for such connection and can accomplish such connection by the use of such levee.

Continuous
connection re-
quired.

SEC. 3. The rights herein are granted and this act is passed upon this express condition: That the Milwaukee and St. Paul railway company shall at all times carry freight and passengers upon its road at reasonable rates.

Freight and
passengers.

SEC. 4. The Milwaukee and St. Paul railway company shall, by a resolution of its board of directors, accept this act, and within sixty days from its passage and file a copy with the secretary of state, otherwise this act shall be void.

Form of ac-
ceptance.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 28, 1872.

CHAPTER XCIV.

February 29,
1873

*An Act Granting to the Belle Plaine Salt Company Land
in Aid of the Work of said Company.*

SECTION 1. Grant of land to said company.

2. Conditions upon which the grant shall be effective.
3. Further conditions.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Grant of land.

SECTION 1. That six sections of the "salt lands" of the state are hereby granted to the Belle Plaine salt company, for the purpose of aiding the same in the continuance of its work, upon the terms and conditions hereinafter specified.

Conditions of
the grant.

SEC. 2. Whenever the said company shall have bored to the depth of two hundred feet below the bottom of the present bore or well, the said company shall be entitled to a conveyance of two sections of said land, and whenever the said company shall have bored to the further depth of two hundred feet, or four hundred feet from the bottom of its present bore or well, the said company shall be entitled to a conveyance of two additional sections of said land, and whenever the said company shall have bored to the depth of five hundred feet from the bottom of the present bore the said company shall be entitled to a conveyance of the other two sections of said land. Upon proof satisfactory to the governor that said company has fulfilled the terms and conditions entitling the same to any installment of said lands, the governor shall certify that fact to the state auditor, and upon filing such certificate together with a certificate signed by the president and secretary of said company, that the lands described therein have been selected by the said company under the grant made by this act, in the office of the state auditor, he shall receive and record the same, and thereupon the title to the lands so selected shall vest in the said company, which shall thereby become and be the owner thereof in fee. *Provided however,* That in making the said selections of said lands the said company shall not be allowed

to select the whole or any part of any section of land on which any of the salt springs selected by the state is located, or more than three sections selected and located by the state as applicable or appurtenant to any one spring.

SEC. 3. Should the said company get through the rock at less than five hundred feet below the bottom of the present well, and there find salt deposits of sufficient strength to be profitably worked, and should cease boring therefor, and that fact be proved to the satisfaction of the governor, the said company shall receive a pro rata proportion of the said lands. Upon such proof the governor shall certify the fact to the state auditor, which certificate, with a certificate of the said company, filed and recorded in the office of the state auditor as aforesaid, shall vest the title of the lands so selected in said company as hereinbefore provided.

Further conditions.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER XCV.

An Act to Authorize the Davenport and St. Paul Railroad Company to Extend the Line of its Road into Minnesota.

February 13,
1872.

- SECTION 1. Authority to extend railroad from the south line of the State to St. Paul
 2. Restriction as to freight and passengers.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Davenport and Saint Paul railroad company, a corporation organized and existing under the laws of the state of Iowa, is hereby authorized and empowered

Authority to extend railroad

Authority to
extend railroad

to extend, construct and build its line of road to Saint Paul or West Saint Paul, in Minnesota, via Rochester, in Olmsted county, from the point of its intersecting the south line of this state in Fillmore county; and for that purpose shall have and possess all the powers, privileges and franchises, and be subject to the same liabilities as railroad companies organized under the general laws of this state, and may sue and be sued in the courts of this state, the same as is now or may be provided by law with reference to foreign or domestic corporations. *Provided*, That said corporation shall pay into the state treasury on or before the first day of March of each year, three per cent. of its gross earnings on the line of its road constructed within this state, and such payment shall be in lieu of all other taxes upon the property of said company in this state; and the legislature may, by law, at any time provide for the mode and manner of ascertaining the amount of such gross earnings.

Restriction as
to freight and
passengers.

SEC. 2. The said company may charge and receive for the transportation of passengers and freight over the line of its road within this state, such reasonable rate as may be from time to time fixed by said corporation or prescribed by general laws of this state.

When act, to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 13, 1872.

CHAPTER XCVI.

An Act to Authorize the Minneapolis and St. Louis Railway Company to build Branch Lines from Minneapolis and Other Points, to the Southern Boundary of the State.

February 23.
1872.

- SECTION 1. Branch line authorized to the south boundary of the State.
2. Branch line authorized from some point on the Minnesota river to the south line of the State.
 3. Common, preferred and special stock authorized to be issued.
 4. Conditions upon which these rights and privileges are granted
 5. Repeal of inconsistent acts.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Minneapolis and St. Louis railway company is hereby authorized and empowered to survey, locate, construct and operate a branch line of railroad, of such width of gauge or track as its board of directors may determine, from the city of Minneapolis to some point to be designated by its board of directors on the southern boundary line of the state of Minnesota, east of range fourteen, and to that end, and for that purpose, the said company may create and issue additional common preferred and special stock, applicable to said branch line, not exceeding in the aggregate the sum of ——— million of dollars, of such classes and amounts, and in such manner and on such terms as it may deem expedient; and may make such agreement with the respective holders of such stock or either of the classes thereof, relating to security and dividends on such stock or classes of stock, and participation in the property, earnings, management and affairs of said company, as the board of directors may think proper, or may make such agreements as said board shall deem best with such holders of stock or classes of stock, as shall secure to them, for their benefit, the separate use, control and enjoyment of said branch line and its business, together with all the rights, privileges, franchises and immunities of the said company pertaining to said branch line, with full power to borrow

Branch line
authorized.

Branch line
authorized.

money, and to mortgage the same and such property, rights, privileges, franchises and immunities in aid of such line, and may, by such agreements, also provide for the separate organization of the holders of the stock pertaining to said branch line, so as to enable them, or a board of directors chosen by them, separately, or in conjunction with the board of directors of said company, to enjoy and exercise in respect to said branch line, all the powers, franchises and privileges possessed and enjoyed by said company in respect to its main line or any portion thereof, and all laws in force relating to the Minneapolis and St. Louis railway company, conferring powers and privileges to construct and operate its main line of road and telegraph, shall be in force and applicable to the branch line hereby authorized, and the owners or company constructing or operating the same, subject, however, to the like terms, duties, obligations, rules and regulations prescribed by law for the government, control and taxation of said Minneapolis and St. Louis railway company.

Branch line
authorized.

SEC. 2. That the Minneapolis and St. Louis railway company is hereby authorized to construct, own and operate a branch line of railroad, of such width of gauge or track as its board of directors may determine, from some point on its main line west of the Minnesota River to the south line of the state of Minnesota, via Henderson, St. Peter and Mankato, and the laws in force relating to the Minneapolis and St. Louis railway, conferring powers and privileges to construct its main line of road and telegraph, shall be in force and applicable to the branch line hereby authorized.

Issue of stock.

SEC. 3. The Minneapolis and St. Louis railway company is hereby authorized to create and issue additional common preferred and special stock, of such classes and amounts, and make such agreements with the holders thereof, relating to security and dividends on such stocks, and participation in the property, earnings, managements and affairs of said company, as the directors may think proper, and said company owning said branch line may mortgage the same to secure its obligations, and provide by agreement for separate stock, and obligations for and upon said branch line, with separate liabilities and benefits from the main line. *Provided*, That said company shall not issue more than _____ of stock of all classes in addition to the amount heretofore authorized.

Conditions.

SEC. 4. The rights and privileges granted by this act are made upon the condition that the said Minneapolis and St. Louis railway company's branch hereby authorized to be constructed, at its points of crossing other railroads in

this state, built or graded and in operation prior to its construction at such points of crossing, shall be so built as to cross the same at grade, and shall be to the expense of constructing its proper one-half of the necessary tracks for junction therewith, and also with other railroads already constructed, and also with other railroads which may be constructed after the construction of the said Minneapolis and St. Louis railway company's branch hereby authorized to be constructed, similar junction shall be made: and that the company now or hereafter owning or operating the said branch railroad shall transport freight from any and all stations on its said branch line to the several points of junction or crossing therewith for transportation, and transport the same to said stations at rates not exceeding the lowest local rates charged and collected on any portion of its line of railroad for corresponding distances, for freight of the same classification or kind, which shall not exceed the lowest average local rates of the railroads of this state for the same distances, and shall also transport cars of the said connecting railroads on its railroad, and allow for mileage on the same the rates allowed by common usage for exchange of car service from time to time, and shall afford all usual facilities accorded by railroads interchanging business, and no discrimination or preference shall be made in favor or against any locality, person, or either of said connecting railroads. *Provided*, That said Minneapolis and St. Louis railroad shall have and enjoy the same privileges so far as either of said branches is concerned, hereinbefore granted in this section, over and upon the said roads of other railroad companies connected with it, as are hereby granted to said companies, and that the said provisions of this section, so far as they are applicable, shall be mutual and reciprocal between said branch line and each of said connecting railroads.

Conditions.

SEC. 5. All acts and parts of acts conflicting with this act are hereby repealed and this act shall take effect and be in force from and after its passage.

Repeal of inconsistent acts

Approved February 23, 1872.

CHAPTER XCVII.

February 29,
1872.

*An Act to Amend An Act relating to "The School District
of the Village of Brownsville."*

- SECTION 1. Boundaries and corporate powers of the school district.
2. Election of school board and term of office.
 3. Organization of the board.
 4. Compensation of officers.
 5. Quorum of the board.
 6. Vacancies in the board.
 7. Meetings of the board.
 8. Duties of the treasurer.
 9. Further duties of the treasurer, relating to the payment of orders.
 10. Further duties of the treasurer, relating to reports, records and delivery of papers to successor.
 11. Duties of the clerk.
 12. Special powers of the board.
 13. Relating to terms of schools and taxation for school purposes.
 14. Relating to building school houses.
 15. Manner of levying and collecting taxes.
 16. Special meetings, how called.
 17. School superintendent may be appointed, when.
 18. Duties of the superintendent.
 19. Necessary blanks to be furnished.
 20. Visitation of schools by superintendent.
 21. Repeal of chapter 30 of special laws of 1868.
 22. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries—
corporate pow-
ers.

SECTION 1. That the village of Brownsville, in the county of Houston state of Minnesota, covering the following described territory namely: the south half of section twenty three, the whole of sections twenty four, twenty five, twenty six, and the south east quarter of the south east quarter of section twenty seven all in township one hundred and three north, of range No. four west 5th P. M. shall constitute one school district, and shall be known as "the school district of the village of Brownsville," and by that name shall sue and be sued, plead and be impleaded in any and all courts, contract and be contracted with, and in that name may take, hold, lease, purchase, sell and convey

by its authorized agent, the board of education hereinafter provided, any and all such real and personal and mixed estates, as the necessities, purposes and welfare of the district may require; may make and keep a common seal, alter the same at pleasure, and in addition to such powers, as such corporations may have at common law, shall have and possess the powers herein specifically granted, which powers shall not be repealed nor amended in any manner by any subsequent act, unless such powers be directly and specifically mentioned and described in such act.

SEC. 2. At the next annual village election in said village to be held on the first Monday of April, A. D. 1872, and annually thereafter, there shall be elected by ballot from among the qualified voters of the village, a board of education to consist of five members, three of whom shall serve for one year, and two for two years, and the time that each shall serve, shall be designated on the ballots, and annually thereafter, on the first Monday of April, there shall be chosen in the same manner alternately three and two members, who shall serve for two years, and a treasurer who shall serve for one year and until their successors are elected and qualified, and the persons so elected shall within ten days file their acceptance in the office of the clerk of the district, and hereafter all schools organized or to be organized in said village, shall be under the direction and control of said board of education, and shall be free to all persons between the ages of five and twenty one years residing in said village.

Election of
officers.

SEC. 3. Said board of education shall convene annually, on the second Tuesday next after such annual election as aforesaid, and at such meeting, shall choose one of their number chairman of said board, and one as clerk for the year ensuing.

Organization
of board.

SEC. 4. No member of said board shall receive compensation for his services as such, except the clerk, who shall receive such compensation as shall be fixed by the board.

Compensation.

SEC. 5. Three members of the board shall constitute a quorum for the transaction of business at any regular or special meeting.

Quorum.

SEC. 6. Vacancies occurring in the board of education, shall be filled by the electors of the district at any annual or special meeting which shall be called and noticed as hereinafter provided. A vacancy in the office of treasurer shall be filled in the same manner.

Vacancies.

Meetings of
board.

SEC. 7. Meetings of the board may be called by the chairman or any two members thereof, by giving one day's personal notice of the time and place of meeting.

Duties of treasurer.

SEC. 8. The treasurer of the district, before entering upon the duties of his office, shall execute a bond to the district in double the amount of money, as near as can be ascertained, which will come into his hands as treasurer during the year, with not less than two sureties to be approved by the board, and conditioned for the faithful discharge of his duties as treasurer; such bond shall be filed with the clerk of the board, and in case of any breach of any condition thereof, the board shall cause an action to be commenced thereon in the name of the district, and the money received shall be applied to the use of the district.

Further duties
of treasurer.

SEC. 9. Said treasurer shall receive, and upon the order of the board, signed by the clerk and chairman, pay out all moneys belonging to the district, paying each order out of the particular fund only upon which it was drawn, and shall keep an accurate, detailed and separate account of such funds coming into his hands in a book or books kept for that purpose, and said treasurer shall within five days preceeding the first Monday of April, in each year, file with the clerk of the board, a report in writing signed by him, and containing a statement of all the moneys received by him during the preceding year, and of all his disbursements. Said report shall be examined by the board, before which the treasurer shall exhibit his vouchers, before the annual meeting of the district and be approved or condemned by resolution entered upon the records of the board.

Further duties
of treasurer.

SEC. 10. Said treasurer shall make such report of the business of his office, at such other times as the same may be called for by the board; he shall keep all records, books and papers pertaining to his office, and deliver the same to his successor in office on demand. He shall pay over to his successor in office, on demand, after such successor has given bonds as hereinbefore required, all moneys in his hands belonging to the district, and shall perform such other duties pertaining to the financial officers of the district as the board may require, and shall receive such compensation for his services as treasurer as the board may prescribe, and no money shall be paid out of the treasury of the district except on the written order of the clerk countersigned by the chairman.

SEC. 11. The clerk of the board shall also be clerk of the district, and in his absence a clerk "pro tempore" may be chosen. The clerk shall keep a record of the proceed-

ings of the district meetings and the meetings of the board, and of all reports made by him to the county auditor, and shall keep an account of the expenses of the district and a correct and full list of the property of the district, and shall furnish to the county auditor on or before the tenth day of October, in each year, an attested copy of his records stating the amounts of money voted to be raised by the district for school purposes at any annual or special meetings, or by the board of education. He shall give at least ten day's previous notice of the time and place of each annual or special meeting, setting forth in every notice all the objects for which such meeting is called and held, by publishing the same in some newspaper printed and published in the district, if such there be; if no newspaper be published in the district, then such notice shall be given by posting the same in three public places of the district. Said clerk shall upon the order of the board, draw and sign all orders upon the treasury of the district for the payment of money, stating in every such order the consideration for which it was drawn and the name of the person rendering such consideration, and the particular fund upon which it was drawn, and shall take a receipt for every such order from the person to whom the same is delivered, and preserve the same. He shall keep the records, books and papers belonging to his office, and deliver the same to his successor, and between the first and tenth day of October in each year, shall make and send to the county superintendent a report in writing showing:

Duties of clerk

First—The names of all persons male and female, residing in said district, on the last day of September preceding the date of his report, between the ages of five and twenty one years.

Second—The number of those who attended the schools during the year.

Third—The length of time the schools have been taught by qualified teachers, and the wages paid them by the district.

Fourth—The amount of money received from the county treasurer from the money apportioned by the county auditor.

Fifth—The amounts of money received from taxes voted to be raised by the district, or by the board of education. the purposes for which they were raised, the manner in which and the purposes for which the same were expended, the condition of school houses and grounds, the kind of books used and such other facts as the state superintendent may require; which report shall be verified by oath before some competent person. Any failure on the part of said

clerk to make report to the county auditor as herein provided. shall be deemed a misdemeanor punishable by fine not exceeding two hundred dollars for the use of the district; said clerk shall furnish to each teacher before the commencement of any school, and as often thereafter as may be necessary, a school register, and shall perform such other duties as may be designated by said board.

Special powers

SEC. 12. The board of education shall have power and it shall be their duty :

First—To establish and organize such grades of schools, alter and discontinue the same in said district, as they may deem expedient.

Second—To provide necessary rooms or buildings for school houses and grounds about the same.

Third—When authorized by a vote of the district to purchase or erect one or more school houses, and purchase sites for the same.

Fourth—To purchase, sell and exchange school apparatus, furniture, stoves and other appendages for schools and school houses and to furnish fuel for the same.

Fifth—To take care of the property of the district and procure insurance and make all repairs upon the same, or any part thereof when deemed expedient.

Sixth—To contract with, employ and pay teachers who have received certificates as provided by law, and to discharge the same.

Seventh—To defray the necessary expenses of the board, pay the compensation of the clerk, and pay for such record books, printing, stationery and other incidental matters as may be deemed necessary or proper.

Eighth—To superintend and manage in all respects, the schools of said districts, and from time to time to adopt, alter, modify and repeal rules for their organization, government and instruction for the keeping of registers, for the reception of pupils resident and non resident, within the district, their suspension, expulsion, and transfer from one school to another, to prescribe text books in all cases where the legislature of the state has not prescribed them, and a course of study for the schools and to visit each of the schools in said district not less than once in three months.

Ninth—To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and prescribe penalties for the breach of the same, to be recovered as penalties in other cases before a justice of the peace and to change and repeal the same.

Tenth—To make, change and repeal rules relating to the organization, government and business of said board and the duties of its officers.

SEC. 13. Said board of education shall keep said schools in operation not less than sixteen nor more than forty four weeks in each year, shall determine the amount of the annual tax to be raised for the purposes aforesaid, including all the necessary expenses of said schools; provided that no tax shall be levied in any one year for said purposes exceeding one mill on the dollar of the taxable property of the district, except by a vote of the district, and on or before the tenth day of October in each year, shall make known the amount of such tax to the auditor of the county of Houston, which tax shall be assessed in said district, collected and paid over to the treasurer of said district, and said board shall keep an accurate account of their proceedings and of their receipts and disbursements for school purposes, and at the annual meeting for choosing members of the board for said district, shall make report of such receipts and the sources from which the same were derived and of said disbursements and the objects to which the same were applied.

Terms of
schools and
taxation.

SEC. 14. Whenever said board of education shall deem it necessary to purchase or build a school house or school houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters of the district by giving ten day's notice of the time and place and objects of the meeting, in some newspaper printed and published in the district, if any, and if there is no such newspaper, then by posting up written notices in three public places in said district, and said meeting may determine by a majority vote upon the erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purpose aforesaid, and the times when the same shall be paid; which moneys so voted, shall be thereupon certified by the board of education by its chairman and clerk to the auditor of the county, and shall be assessed in said district, collected and paid over to the treasurer of said district; provided that no tax shall be levied in any one year exceeding five mills on the dollar for the purpose of building a school house, or houses, or procuring sites therefor.

School houses.

SEC. 15. All taxes raised by virtue of this act, shall be levied and collected in the same manner and by the same officers as county taxes are levied and collected.

Levying taxes.

SEC. 16. Special meetings of the district may be called on the order of the board of education, or by the request of

Special meetings.

five or more freeholders or householders of said district: due notice of which shall be given as hereinbefore provided in section eleven of this act.

Superintendent

SEC. 17. Said board of education may, if deemed advisable by them, appoint a school superintendent for the district, who shall hold his office during such time, and who shall receive such compensation as shall be specified in a written contract to be made between him and said board of education; provided that the board may at any time for sufficient cause remove said superintendent and fill the vacancy.

Duties of superintendent.

SEC. 18. It shall be the duty of the superintendent to examine teachers making applications for schools in said district, which examination shall be public and in the presence of the board, and to grant certificates to such persons as shall by him be deemed suitably qualified, which certificate shall in all cases specify the branches which he deems the person to whom the same may be issued, qualified to teach: and he shall have power with consent of the board for sufficient cause, to annul such certificate, and when so annulled the person holding the same, shall be discharged as teacher. He shall direct the teachers in the discharge of their duties, conduct all examinations for promotion, assign the scholars to their respective grades, and shall perform such other duties as the board may prescribe.

Blanks.

SEC. 19. The board of education shall furnish the superintendent the necessary blanks for all such grades of certificates, as said board may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

Visitation of schools.

SEC. 20. It shall also be the duty of the superintendent to visit the schools of the district as often as once in every three months, to observe the discipline, the mode of teaching, the progress of the scholars, and to make such suggestions to the teachers and the board of education as he may deem proper.

Repeal of chapter 30 special laws of 1868.

SEC. 21. Sections 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55, of the special school act of the village of Brownsville, in chapter thirty of the special laws of 1868, and all acts and parts of acts inconsistent with this act and relating to said district are hereby repealed, and the general school laws of the state, shall apply to and govern said district, except as herein provided.

When act to take effect.

SEC. 22. This act shall take effect and be in force from and after the thirty first day of March A. D. 1872.

Approved February 29, 1872.

CHAPTER XCVIII.

*An Act to Amend the Charter of the Saint Paul Fire and Marine Insurance Company.*February 13,
1872.

SECTION 1. Relating to a surrender of stockholders' notes.

2. Repeal of inconsistent acts.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of "An Act to amend an act," entitled an act to incorporate the St. Paul Fire and Marine Insurance Company, approved March fifth, eighteen hundred and fifty three, to enable said company to conduct its business more fully upon the stock principle," approved March 2d, 1855, as amended by "An act to amend the charter of the Saint Paul Fire and Marine Insurance Company," approved March 5, 1869, be, and is hereby further amended, by adding the following proviso at the end of said section "two (2) to-wit:—"

Surrender of
notes.

Provided, that the said Saint Paul Fire and Marine Insurance Company may—at any time when authorized so to do by a vote of a majority of its stockholders, and when said company shall be possessed of four hundred thousand dollars (\$400,000) over and above an additional amount sufficient to re-insure all outstanding risks at the rate of forty (40) per cent. of its unexpired premium, in cash, or invested in accordance with section ten (10) of said act approved March 5, 1853—surrender the notes given by stockholders for the eighty five per cent. of the capital stock heretofore issued under section two (2) of said act as amended, and thereafter continue its business of insurance upon a capital stock paid up and invested as provided herein, of not less than four hundred thousand (\$400,000) dollars.

SEC. 2. All parts of the said act of 1853, as amended by said acts of 1865, and 1869, inconsistent with, or repugnant to this act, are hereby repealed.

Repeal of in-
consistent acts

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 13, 1872.

CHAPTER XCIX.

February 26,
1872.

An Act to authorize "The St. Paul Working Mens Building Society" to determine by its by-laws the number of shares each member thereof may hold.

SECTION 1. Authority to determine the number of shares to be held by any one member.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Number shares
held by one
member.

SECTION 1. That the "St. Paul Working Mens' Building Society" is hereby authorized to determine by its by-laws the number of shares each member thereof may hold, provided that the whole number of shares issued, or to be issued by said corporation, shall at no time exceed ten thousand shares as now provided by statute.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER C.

February 28,
1872.

An Act in relation to the Saint Paul and Dubuque Railroad Company.

SECTION 1. Authority given to consolidate with any other company.

2. Authority to sell, transfer or convey franchises to any other company.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Saint Paul and Dubuque Railroad Com-

any, a corporation organized under the general statutes of his state, is hereby authorized and empowered to consolidate its stock, franchises, rights and property with that of any other railroad company which will undertake the construction and operation of the railroad, for the construction of which the said Saint Paul and Dubuque Railroad Company was organized.

Consolidate
with other
companies.

SEC. 2. The Saint Paul and Dubuque Railroad Company is hereby authorized and empowered to sell, transfer, assign and convey to any railroad company which will construct the railroad, for the purpose of the construction of which, the said Saint Paul and Dubuque Railroad Company was organized, all and singular, the rights, privileges, franchises, property and assets of the said company of every nature and kind vested or to become vested, subject nevertheless to the performance by the company to whom the same may be sold and transferred, of all the conditions upon and subject to which the said Saint Paul and Dubuque Railroad Company has acquired, or may acquire the same; provided nevertheless, that such railroad or railroads shall be and remain subject to all laws of the state, which are general in their nature.

Authority to
sell franchises.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 28, 1872.

CHAPTER CL.

February 29,
1873.

An Act to revive and continue An Act and the Corporation created by said act entitled "An Act" to incorporate the Winona and La Crosse Railroad Company, approved February twenty fifth, one thousand eight hundred and fifty six, and to amend said act.

SECTION 1. Names of stockholders and corporate rights.

2. Location of the road to be built.
3. Relating to the acceptance of this charter and the opening of subscription books.
4. Relating to the time within which location shall be made and work commenced.
5. Repeal of section 11.
6. Amending section 15, relating to a connection with other railroads.
7. Term of office of the first directors.
8. Meetings of the board of directors.
9. Passengers and freight to be transported at reasonable rates.
10. Authorized to borrow money and issue bonds.
11. Changing the name of company in original act.
12. Relating to appeals.
13. Relating to a per centum in lieu of taxation.
14. Repeal of inconsistent acts.
15. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

That the act entitled "An Act to incorporate the Winona and La Crosse Railroad Company," approved February twenty fifth, one thousand eight hundred and fifty six, and the corporation thereby created, be and the same are hereby revived, continued and in full force and effect as to all the provisions thereof, except as hereinafter altered, amended or repealed.

Names of
stockholders—
corporate
rights.

SECTION 1. Section one of said act is amended so as to read as follows: That William Windom, Thomas Simpson, William H. Yale, J. C. Easton, John Robson, William Mitchell, Henry W. Lamberton, Mathew G. Norton, Earl S. Youmans, Royal Dione, Thomas Wilson, Myron E. Drew, E. D. Williams, George P. Wilson, Thomas Abbott and Ignatius F. O'Fenall, and all such persons as shall

hereafter become stockholders in the company hereby incorporated, shall be and hereby are made a body politic and corporate by the name and style of, "the Winona and South Western Railway Company," and by and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against in law and equity, in any and all courts and places whatsoever as fully as natural persons, and the said corporation may make and use a common seal and alter or renew the same at pleasure, and by their corporate style and name be capable of contracting and being contracted with and of acquiring by purchase, gift, grant, devise or otherwise, and of holding and conveying all such estate and property, real and personal as may be necessary or convenient to carry into effect the objects and purposes of the said corporation.

SEC. 2. Section two of said act is amended so as to read as follows: The said corporation is hereby authorized and empowered, and it is hereby declared that the objects and purposes thereof are to survey, locate, construct, complete, maintain, use and operate and at their pleasure to alter the line thereof, a railway with all necessary and convenient tracts, side tracts, turnouts, switches and other appurtenances for operating the same, from the City of Winona in the county of Winona, and state of Minnesota, to the north boundary line of the state of Iowa, east of range fourteen and west of the fifth principal meridian, with the right and privilege of extending their railway from Winona by the most feasible route to St. Paul and Minneapolis.

Location of
road

SEC. 3. Section sixth of said act is amended so as to read as follows: The corporators named in the first section of this act, or a majority thereof, shall on or before the first day of May next, by an instrument in writing executed in the form prescribed by law for the execution of deeds of real estate, acknowledge the acceptance of this charter and file such instrument in the office of secretary of state, or in default thereof shall be deemed to have refused this charter and shall forfeit all rights under the provisions of this act. If they accept this charter, they shall appoint three or more of their number, and such other person or persons as they may deem proper, as agents or commissioners to receive subscriptions to the stock of this corporation, and direct the times and places when and where the books for receiving such subscriptions shall be opened, and such books may be opened by different agents or commissioners at different places at the same time. Every person who shall subscribe for any stock of this corporation, shall at the time of subscribing for

Acceptance of
charter—sub-
scription books

the same, pay to the agents or commissioners two per cent. on the amount of stock so subscribed.

Time of location and commencement of work.

SEC. 4. Section nine of said act, is amended so as to read as follows: The said corporation shall locate at least ten miles of said road and commence work thereon within two years from the time this act shall take effect, and fully complete and equip said road within four years from the passage of this act.

Repeal of section 11.

SEC. 5. Section eleven of said act, is hereby repealed.

Amendment to section 15.

SEC. 6. Section fifteen of said act, is amended so as to read as follows: The corporation hereby created is hereby authorized and empowered and it shall be lawful for the same to provide by contract or agreement, for a connection of the railway mentioned and provided for in this act, with any railroad in the state of Iowa, terminating at the north boundary line of said state; upon such terms and conditions and in such manner as the board of directors of the corporation provided for in this act, may deem practicable or advisable.

First board of directors--term of office.

SEC. 7. The persons named in the first section of this act shall constitute a board of directors of said company until the first Monday in June, one thousand eight hundred and seventy three, and until their successors shall be elected and enter upon their duties as directors according to the provisions of section seven of said original act. The number of directors shall not exceed fifteen, or be less than seven, a majority of whom shall be a quorum for the transaction of business.

Meetings of the board.

SEC. 8. Any five of the board of directors above named are hereby authorized to call the first meeting of such board by giving each of the other members ten day's notice in writing through the post office or otherwise, of the time and place of meeting.

Passengers and freight.

SEC. 9. Said corporation shall carry passengers and transport freight over any railway constructed, under the provisions of this act, at just and reasonable rates.

Authority to borrow money and issue bonds.

SEC. 10. The said company by its directors, may borrow money upon the faith and credit of said company, upon such rates of interest as may be agreed upon, not to exceed twelve per centum per annum, and may issue the bonds or other evidence of debt of the company, with or without interest coupons attached, in such sums and payable at such time and place as may be agreed upon, and to secure the payment thereof may mortgage its road, rights, franchises and any and all other property of the company.

SEC. 11. Whenever in said original act, the word "terri-

tory" is used, the word state shall be inserted in place thereof, and wherever the words "Winona and LaCrosse Railroad" are used, the words Winona and South Western Railway shall be inserted in place thereof.

Change of
name.

SEC. 12. In all cases of appeal from any report or part or portion of a report of the commissioners, as provided for in section five (5) of said original act, the amount to be deposited in court may be fixed by a judge of the district court, and such matter may be brought on for hearing at any time on giving ten day's notice of the time and place of such hearing.

Appeals.

SEC. 13. That in consideration of an annual payment of a per centum as provided in this section, by this corporation, the railway its appurtenance and appendages, and all other property, estates and effects of said corporation which it has heretofore or may hereafter acquire, purchase, hold, possess, enjoy or use for, in or about the construction, equipment, renewal, repair, maintaining or operating its railway, as also the stock and capital of said company, shall be, and hereby are forever exempt from all taxation, and in consideration of the grants made to said corporation, and of the exemption contained in this section, the said company during the first three years from and after the first twenty miles of said road is constructed and in operation, on or before the first day of March of each and every year, pay into the treasury of the state one per cent. on the gross earnings of said railway, and shall during the seven years next ensuing after the expiration of the three years aforesaid, pay into the treasury of the state, on or before the first day of March of each and every year, two per cent. on the gross earnings of said railway, and shall from and after ten years from the date of the construction of the first twenty miles of said railway, on or before the first day of March of each and every year, pay into the treasury of this state, three per cent of the gross earnings of said railway, and the payment of such percentum annually as aforesaid, shall be, and is in full of all taxation whatever, and for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company, to the treasurer or auditor of this state, or other proper officer prescribed by law on or before the first day of February of each year, the truth of which abstract shall be verified by affidavits of the treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affidavits, and the correctness of such abstracts, full power is hereby vested

Payment of per
centum.

in the governor of this state, or any other person appointed by law, to examine under oath the officers and employees of said company, or other persons, and if any person so examined by the governor, or other authorized person, shall knowingly or willfully swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury, and for securing to the state the payment of the aforesaid per centum, it is hereby declared that the state shall have a lien upon the railway of said company, and upon all the property, estate and effects of said company whatever, real, personal, or mixed, and the lien hereby secured to the state, shall take and have precedence of all demands, decrees and judgments against said company.

Repeal of inconsistent acts

When act to take effect.

SEC. 14. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CII.

February 26,
1872.

An Act to Amend the Charter of the Minnesota and North-Western Railroad Company.

SECTION 1. Name of the company changed.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of name.

SECTION 1. The name of the Minnesota and North-Western railroad company, created, organized and existing by and under the act entitled "An act to incorporate the Minnesota and North-Western Railroad Company," approved March fourth (4), one thousand eight hundred and fifty-four (1854), and acts amendatory thereof, may be changed by resolution

of the board of directors to the name of the Saint Paul and Iowa Railroad Company, or such other name as said board of directors shall select, a copy of which resolution shall be filed in the office of the secretary of state, and thereafter the company shall be known by the name so selected and adopted.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved February 26, 1872.

CHAPTER CIII.

An Act to Amend "An Act Authorizing the St. Paul Water Company to Relocate its Line and Extend its Works," approved February 8, One Thousand Eight Hundred and Sixty-Nine. February 27,
1872.

SECTION. 1. Amended by adding three sections.

Sec. 6. Relating to taxation upon property on which the company have acquired an easement or right to enjoy.

Sec. 7. Relating to unlawful damage to the works.

8. Relating to unlawful use of water, &c.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the act of the legislature of the state of Minnesota entitled "An act authorizing the St. Paul Water Company to re-locate its lines and extend its works," approved February 8, one thousand eight hundred and sixty-nine, be amended by adding three sections thereto, as follows : Adding new
sections.

Taxation.

Sec. 6. Whenever said company has heretofore acquired or shall hereafter acquire, either by contract or by authority of any statute, an easement in or right to enter upon, possess, have, hold or enjoy any lands for the purposes specified in this act, such easement or right shall not be affected by any tax or assessment imposed, assessed or levied upon any piece or parcel of land in, upon, or through which such easement or right has been or may be acquired, nor by any proceedings to enforce any such tax or assessment heretofore or hereafter to be imposed, assessed or levied, except such tax or assessment shall have been imposed, assessed upon the property of said company, in the cases and in the manner provided by law for taxing the property of corporations.

Damage to works.

Sec. 7. Any person who shall, willfully and without authority from said company, break, remove or damage any dam, bulkhead, gate, gate-house, conduit, air vent, air box, air box cover, main pipe or culvert, or fill up or partially fill up any excavation, or raise or open any gate, break down or force open any doors of said company, erected, constructed and maintained for the purpose specified in this act, shall, on conviction thereof, be punished by imprisonment in the state prison for a term not more than ten years nor less than one year.

Unlawful use of water.

Sec. 8. Any person who shall, without authority from said company, tap any main or service pipe or take water therefrom, or open or shut any service cock or fire hydrant, or tie any horse or other animal to any fire hydrant, or remove or unscrew, wholly or partially, the cap from such fire hydrants, or enter, or form any connection with, or turn water into any tunnel excavated or used by said company for the purpose of laying its pipes, or who, being authorized by said company to take water from a main or service pipe into any specified building or upon any specified premises, or to be used for any specified purpose, shall, without authority from said company, use such water for any other than such specified purpose, or permit any other person to use the same for any other than such specified purpose, or to take the same out of such building, and such other person so using or taking such water, or [who], without lawful authority, shall dig or excavate within six feet of any main pipe, gate, hydrant or blow off of said company, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars and not less than twenty dollars, or by imprisonment in the county jail for a term not more than three months nor less than twenty days, or by both such fine and imprisonment.

SEC. 2. This act shall take effect and be in force from and after its passage and shall be deemed a public act. When act to take effect.

Approved February 27, 1872.

CHAPTER CIV.

An Act to Amend an Act entitled "An Act to incorporate the Mankato Library Association." March 1, 1872.

SECTION 1. Amendment to chapter 77 of special laws of 1856.

Sec. 1. Relating to the corporators and corporate powers.

2. Officers of the association.
3. Organization of the incorporators.
4. Objects of the corporation.
5. Duties of the executive committee.
6. Declared to be a public act.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter seventy-seven, of [session] laws of one thousand eight hundred fifty-six, being an act entitled "an act to incorporate the Mankato Library Association," be amended to read as follows: Amendment to chapter 77.

Section 1. That A. D. Seward, John E. Harrison, Samuel Kitchen, Marshall Comstock, G. W. Cummings, James A. Weswell, A. P. Tuhey, John C. Wire, Sheldon F. Barney, James Shoemaker, William C. Durhee, D. A. Dickinson, J. A. Kennedy, O. O. Pitcher, S. D. Parsons, William H. Stauffer and William B. Tory, and their associates be, and they are hereby constituted a body corporate and politic, by the name of the Mankato Library Association, and by that name shall have perpetual succession, with power to make, have and use a common seal, and the same to alter and renew at pleasure, to buy, sell and hold prop- Corporators and corporate powers

erty, both real and personal, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, [in] all the courts of competent jurisdiction, and shall have all other powers and privileges necessary to fulfill the objects of their incorporation.

Officers.

Sec. 2. The officers of said corporation shall be a president, vice president, corresponding secretary, recording secretary, treasurer, librarian, and five managers. They shall be chosen annually by ballot, by the members of the corporation, and the persons receiving a majority of the votes of the members present, shall be declared elected and shall hold their respective offices for one year and until their successors shall be elected. The above named officers shall compose the executive committee.

Organization.

Sec. 3. The above named incorporators, or any eleven of them, may, at any time within one year from the passage of this act, meet and organize said incorporation, by electing the officers mentioned in the foregoing section, and the said corporation when so organized shall have power to adopt all needful rules, by-laws and regulations for the government of said association, to define the duties of its officers, and such other regulations as may be necessary to carry out the objects of said association. And on the first Tuesday after the first Monday of January in every year thereafter there shall be an annual meeting of said association for the election of officers, and for the transaction of such other business as may come before the meeting.

Objects of the corporation.

Sec. 4. The object of said corporation shall be to establish and maintain a public library, in the city of Mankato, and may, by its laws prescribe the terms and conditions of membership, and to fix the amount of fees and dues of its members, and provide for the collection thereof, but in no case shall more than ten dollars be required as a fee for membership, except that said association may, for life membership, charge more than ten dollars, and any person residing or doing business in the city of Mankato, may become a member, upon complying with the rules and regulations prescribed for membership.

Executive committee.

Sec. 5. The executive committee, six of whom shall constitute a quorum, shall control the funds and property of the association, and shall provide the means and perform the duties necessary to carry into effect the objects of the association, and shall at the annual meeting of the association, make a full and complete report of all their doings. They shall have power to declare vacant the offices of any member of the committee, if absent at three successive

regular meetings, and may fill all vacancies, and adopt rules for the regulation and government of said committee. The officers of said association shall be the corresponding officers of said committee.

Sec. 6. This act shall be a public act, and as such shall be received in all courts, and receive a construction favorable to the accomplishment of its object.

Declared a public act.

Sec. 2. This act shall take effect and be in force from and after its passage.

When act to take effect

Approved March 1, 1872.

CHAPTER CV.

An Act to authorize the St. Louis River Manufacturing Association to remove obstructions from said River, and improve the navigation thereof.

February 22,
1872.

SECTION 1. Authorized to remove obstructions and construct dam.

2. Authority to acquire real estate.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That the St. Louis River Manufacturing Association, a corporation existing under the laws of this state, be, and said corporation is hereby authorized to remove the raft and such other obstructions as exist in the St. Louis river, between Thomson and Knife Falls, in Carleton county, and to construct such dams, locks, and other structures as may be deemed necessary in order to facilitate the running of logs, and improve the navigability of said river between the points aforesaid, and may construct and maintain a boom at or near Thomson, in said river. That all dams constructed by said company between said points in making said improvement, shall be furnished with suitable

Authority to construct dam.

the same, pay to the agents or commissioners two per cent. on the amount of stock so subscribed.

Time of location and commencement of work.

SEC. 4. Section nine of said act, is amended so as to read as follows: The said corporation shall locate at least ten miles of said road and commence work thereon within two years from the time this act shall take effect, and fully complete and equip said road within four years from the passage of this act.

Repeal of section 11.

SEC. 5. Section eleven of said act, is hereby repealed.

Amendment to section 15.

SEC. 6. Section fifteen of said act, is amended so as to read as follows: The corporation hereby created is hereby authorized and empowered and it shall be lawful for the same to provide by contract or agreement, for a connection of the railway mentioned and provided for in this act, with any railroad in the state of Iowa, terminating at the north boundary line of said state; upon such terms and conditions and in such manner as the board of directors of the corporation provided for in this act, may deem practicable or advisable.

First board of directors--term of office.

SEC. 7. The persons named in the first section of this act shall constitute a board of directors of said company until the first Monday in June, one thousand eight hundred and seventy three, and until their successors shall be elected and enter upon their duties as directors according to the provisions of section seven of said original act. The number of directors shall not exceed fifteen, or be less than seven, a majority of whom shall be a quorum for the transaction of business.

Meetings of the board.

SEC. 8. Any five of the board of directors above named are hereby authorized to call the first meeting of such board, by giving each of the other members ten day's notice in writing through the post office or otherwise, of the time and place of meeting.

Passengers and freight.

SEC. 9. Said corporation shall carry passengers and transport freight over any railway constructed, under the provisions of this act, at just and reasonable rates.

Authority to borrow money and issue bonds.

SEC. 10. The said company by its directors, may borrow money upon the faith and credit of said company, upon such rates of interest as may be agreed upon, not to exceed twelve per centum per annum, and may issue the bonds or other evidence of debt of the company, with or without interest coupons attached, in such sums and payable at such time and place as may be agreed upon, and to secure the payment thereof may mortgage its road, rights, franchises and any and all other property of the company.

SEC. 11. Whenever in said original act, the word "terri-

tory" is used, the word state shall be inserted in place thereof, and wherever the words "Winona and LaCrosse Railroad" are used, the words Winona and South Western Railway shall be inserted in place thereof.

Change of
name.

Sec. 12. In all cases of appeal from any report or part or portion of a report of the commissioners, as provided for in section five (5) of said original act, the amount to be deposited in court may be fixed by a judge of the district court, and such matter may be brought on for hearing at any time on giving ten day's notice of the time and place of such hearing.

Appeals.

SEC. 13. That in consideration of an annual payment of a per centum as provided in this section, by this corporation, the railway its appurtenance and appendages, and all other property, estates and effects of said corporation which it has heretofore or may hereafter acquire, purchase, hold, possess, enjoy or use for, in or about the construction, equipment, renewal, repair, maintaining or operating its railway, as also the stock and capital of said company, shall be, and hereby are forever exempt from all taxation, and in consideration of the grants made to said corporation, and of the exemption contained in this section, the said company during the first three years from and after the first twenty miles of said road is constructed and in operation, on or before the first day of March of each and every year, pay into the treasury of the state one per cent. on the gross earnings of said railway, and shall during the seven years next ensuing after the expiration of the three years aforesaid, pay into the treasury of the state, on or before the first day of March of each and every year, two per cent. on the gross earnings of said railway, and shall from and after ten years from the date of the construction of the first twenty miles of said railway, on or before the first day of March of each and every year, pay into the treasury of this state, three per cent of the gross earnings of said railway, and the payment of such percentum annually as aforesaid, shall be, and is in full of all taxation whatever, and for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company, to the treasurer or auditor of this state, or other proper officer prescribed by law on or before the first day of February of each year, the truth of which abstract shall be verified by affidavits of the treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affidavits, and the correctness of such abstracts, full power is hereby vested

Payment of per
centum.

in the governor of this state, or any other person appointed by law, to examine under oath the officers and employees of said company, or other persons, and if any person so examined by the governor, or other authorized person, shall knowingly or willfully swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury, and for securing to the state the payment of the aforesaid per centum, it is hereby declared that the state shall have a lien upon the railway of said company, and upon all the property, estate and effects of said company whatever, real, personal, or mixed, and the lien hereby secured to the state, shall take and have precedence of all demands, decrees and judgments against said company.

Repeal of inconsistent acts

When act to take effect.

SEC. 14. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CII.

February 26,
1872.

An Act to Amend the Charter of the Minnesota and North-Western Railroad Company.

SECTION 1. Name of the company changed.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of name.

SECTION 1. The name of the Minnesota and North-Western railroad company, created, organized and existing by and under the act entitled "An act to incorporate the Minnesota and North-Western Railroad Company," approved March fourth (4), one thousand eight hundred and fifty-four (1854), and acts amendatory thereof, may be changed by resolution

of the board of directors to the name of the Saint Paul and Iowa Railroad Company, or such other name as said board of directors shall select, a copy of which resolution shall be filed in the office of the secretary of state, and thereafter the company shall be known by the name so selected and adopted.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved February 26, 1872.

CHAPTER CIII.

An Act to Amend "An Act Authorizing the St. Paul Water Company to Re-locate its Line and Extend its Works," approved February 8, One Thousand Eight Hundred and Sixty-Nine. February 27,
1872.

SECTION. 1. Amended by adding three sections.

Sec. 6. Relating to taxation upon property on which the company have acquired an easement or right to enjoy.

Sec. 7. Relating to unlawful damage to the works.

8. Relating to unlawful use of water, &c.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the act of the legislature of the state of Minnesota entitled "An act authorizing the St. Paul Water Company to re-locate its lines and extend its works," approved February 8, one thousand eight hundred and sixty-nine, be amended by adding three sections thereto, as follows : Adding new
sections.

such persons shall be forever barred and excluded from questioning such title so acquired by said company, and the said company shall have full power and authority after entering upon and taking any such lands, to have, hold, possess, occupy, use and enjoy the same for any of the lawful purposes of said company, from the time of such entry until the proceedings contemplated by this act shall have been finally determined and until said company shall have refused after demand made to pay the value thereof so ascertained as aforesaid.

And it shall not during such time nor until such refusal, be disturbed in such possession, occupancy, use or enjoyment by any proceedings either in law or equity.

Required to
construct
booms.

SEC. 2. That said corporation is authorized and required to construct, maintain and keep in reasonable repair, such booms in and upon the St. Louis River, within said towns 49 and 50, of range 17 aforesaid, at such points as it may deem advisable and sufficient to secure, receive, scale and deliver all logs that may from time to time come or be driven within the limits of the town aforesaid, and the said corporation is hereby authorized and required to receive and take the entire control and possession of all logs and timber which may be run, come, or be driven within the limits aforesaid, and boom, scale and deliver the same as hereafter provided. That all logs and timber which shall be floated or run down the St. Louis River or the tributaries thereof from points above said town, be in the possession of and under the control of said corporation, for the purpose of securing, scaling and delivering the same, as in its acts providing. *Provided, however,* That all vessels or crafts navigating said River St. Louis, and all rafts of logs or timber made up at points above the limits of town 50 aforesaid and destined for points south of town 49 aforesaid, shall be allowed free passage upon said river, and the said corporation shall not be allowed to obstruct the channel of said river so as to interfere with the free navigation thereof as aforesaid.

Logs and lum-
ber to be scaled

SEC. 3. That all logs or lumber coming within the limits aforesaid, before the delivery thereof to the owners, shall be scaled by the surveyor general of the lumber district in which said booms are situated, or his deputy, the expenses thereof not exceeding two cents per thousand feet, to be paid by said corporation.

That scale bills of each separate mark shall from time to time be made out by said surveyor general or his deputy, as logs are required to be delivered, and when so assorted and

scaled, secured in strings, brills, or otherwise, as may be by said surveyor general deemed proper, the same shall be delivered to the proper owner upon reasonable request, upon paying to said corporation the amount of boomage and other charges authorized by this act. *Provided, however,* That when the water in said river shall be so low that logs can not be turned out of said booms or rafted in consequence of such low stage of water, the said corporation shall not be required or held accountable for the non-delivery of any logs that may, during such time, be in such booms or either of them, until there shall be sufficient water to enable said company to raft, turn out or deliver the same, and provided also, the said company shall not be liable for any damage caused by an extraordinary rise of water or freshets.

SEC. 4. The said corporation is entitled to the following compensation for boomage, which also includes the scaling, assorting and delivery of logs, to-wit: thirty (30) cents per thousand feet for the first five years and until the legislature shall alter or change the same thereafter, computed from the scale bills so required to be made by the surveyor general or his deputy, which scale bills shall be conclusive proof of the quantity therein stated. That all logs required by the owners thereof to be turned over the "Knife Falls" below said boom, shall be so turned over said falls by said corporation upon the payment by the owners thereof, if the compensation per thousand feet above provided and no additional charge shall be made therefor.

Compensation.

SEC. 5. That the amount of boomage and compensation above authorized shall be due and payable whenever the logs or other timber are scaled and ready for delivery as above specified, and said corporation shall have a lien upon and property in the same so far as to enable it to take, scale and retain a sufficient number or quantity of logs or other timber to pay the boomage and charges due on the same, and also all charges and boomage due on logs and timber of the same mark that may have been previously delivered. That it shall be the duty of said company, upon the request of parties having logs in said boom to put them under warp and wedge, and said company may charge therefor the sum of twenty-five (25) cents per thousand feet. And in case any of such logs or timber shall not be removed and the boomage and other charges paid thereon as in this act provided, previous to the first day of October next succeeding the reception into said booms of such logs or timber, then the said corporation is authorized to advertise and sell said logs or timber upon which boomage and charges are

Payment for boomage.

due and unpaid, at public sale at said boom upon notice of time and place, if such sale published for three successive weeks in some newspaper published in the county of St. Louis, to the highest bidder therefor, and said corporation may, in good faith, by its agent or proper officer, bid upon and purchase any such logs or timber so to be sold in case it shall be the highest bidder therefor, and out of the proceeds, or price bidden at such sales, receive and retain the amount of such lien upon the property so sold, together with the costs and actual expenses of such sale, and pay over on demand to the owner or person entitled the residue of such proceeds, and the purchasers at such sales shall acquire the right of title of the owners or holders of the marks upon the logs or property so sold.

Penalty for injuring boom.

SEC. 6. Any person other than the authorized agent of said corporation, who shall open, cut, destroy or injure any of the booms of said corporation, or turn loose or adrift any logs or timber therein, or who shall obstruct the free passage of logs into said booms, by placing any obstruction across the channel of said river and above said booms, and shall be convicted thereof, be punished by a fine not exceeding one thousand (\$1000) dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872

CHAPTER CVII.

An Act to amend "An Act to amend an Act entitled 'An Act to Incorporate the Minnesota Central Railroad Company, approved May 23d, 1857,' approved March 9th, 1867." February 24,
1873.

- SECTION 1. Amendment to section 3, relating to the location of the railroad.
 2. Amendment to section 6, relating to the acquisition of lands by the company.
 3. Amendment to section 18, relating to connections with other railroads.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of said act entitled "an act to amend an act entitled 'an act to incorporate the Minnesota Central Railroad company, approved May 23d, 1857,' approved March 9th, 1867," be and the same is amended so as to read as follows, viz:

Sec. 2. The said corporation is hereby authorized and empowered and it is hereby declared that the objects and purposes thereof are to survey, locate, construct, complete, maintain, use and operate a railroad, from the city of Red Wing, in the state of Minnesota, via Cannon Falls, Faribault and Blue Earth City, to the southern boundary of the state; also to construct, maintain and operate a branch line of railroad from the main line of said railroad at such point on said main line as they may designate, thence by such route as they shall deem most feasible, to the southern boundary of the state; together with all necessary stations, depots, turn outs, engine or car houses, and all other necessary appurtenances belonging to or required for the complete construction, equipment and operation of such railroad and its said branch. Said corporation is, by this act, empowered to construct the said railroad and its said branch, either or both at its pleasure.

SEC. 2. That section six (6) of said act be, and the same is amended so as to read as follows, viz:

Acquisition of
lands.

Sec. 6. That said corporation may take, hold, and acquire for the purposes required by their road, such lands as may be required therefor, but unless such lands taken by said corporation shall be purchased or given voluntarily by the owners thereof, full and proper compensation therefor shall be made by said corporation to the owner or owners thereof, which said compensation shall be ascertained and determined in the manner following:

The said corporation may present to a court in the county in which the lands or real estate proposed to be taken shall be situated, having jurisdiction competent to entertain, adjudicate and determine questions of title to real estate, a petition signed by some authorized agent or attorney thereof, describing with reasonable certainty and accuracy, by map, plat, survey or otherwise, the lands or real estate so proposed or required to be taken, and setting forth the name of each and every owner, encumbrancer, or other person interested in the same, or any part thereof, so far as the same can be ascertained by the legal records affecting the same, and praying the appointment of three competent disinterested persons as commissioners to ascertain and determine the compensation to be made to the said owner or owners respectively, and to all tenants, encumbrancers and others interested for the taking or injuriously affecting such lands or real estate. A copy of such petition shall be filed with the clerk of the district court of each county wherein any of the lands in said petition described is situated, and said company shall cause to be served a notice of the time and place, when and where the said petition will be presented to the court, and when and where said petition is filed, and may be inspected, on each and every person named therein as owner, incumbrancer, tenant or person otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of said petition. Such service shall be made by delivering such copy of the notice to each of the persons so named therein, if a resident of this state, or, in case of the absence of such persons, by leaving such copy of the notice at his or her usual place of abode, with some person of sufficient age and understanding to comprehend the object thereof, which shall be communicated to such person with a request to deliver the same to the individual for whom it is thus left, at the earliest opportunity. In case there shall be any persons named in such petition who are not residents of this state, and upon whom service cannot be made in the manner above prescribed, a notice stating briefly the object of the petition, a description

of the lands proposed to be taken, and the time and place of presenting the petition to the court, and directed to such person or persons, shall be published in the newspaper nearest the location of such lands, and in a newspaper published at the seat of government of the state, once in each week for four consecutive weeks prior to the time designated for presenting such petition.

Acquisition of
lands.

The court to whom such petition shall be presented, shall not make any order for the appointment of commissioners to ascertain and determine the compensation to be paid to any owner or person interested, who shall not appear in person or by attorney or counsel, except by proof on affidavit, and to the satisfaction of the court, of the service of the notice in the manner herein prescribed, but may do so upon the appearance of the party or parties, or upon such proof of service in the absence of a party or parties. The court may, upon the application of the said corporation, or of any owner or party interested, for reasonable cause, adjourn the proceedings from time to time, and may order a new or further notice to be given to any party whose interest may be affected thereby. When the court shall have proof satisfactory that all parties interested in any parcel of land, have been duly served with the said notice in the manner herein prescribed, and of the nature and extent of the interest of each and every party in the same, the court may make an order, to be recorded in the minutes thereof, appointing three disinterested, competent persons, commissioners, to ascertain and determine the amount to be paid by said corporation to each of said persons as compensation for his interest or estate in such parcel or parcels of land, and specifying the time and place of the first meeting of such commissioners. The said corporation shall, without delay, procure and deliver to each of such commissioners a copy of such order. Before the said commissioners shall enter upon the discharge of their duties, they shall respectively take and subscribe an oath before some person competent to administer oaths, that they will faithfully and impartially discharge the duties of their appointment. Whenever the place of any commissioner shall become vacant, the court may, upon such notice to the parties as he may prescribe, appoint another commissioner in his stead; and every appeal from the report of such commissioners shall be entered, proceeded in and determined in the same manner as cases on appeal from a justice of the peace; and in case the appeal shall involve the determination of a question of fact, the same shall be tried by jury, upon the request of either party. The report of

Acquisition of
lands.

the commissioners shall be final and conclusive, unless appealed from in the manner above prescribed.

Whenever the company shall take an appeal from any report, such an appeal shall not stay the work on the road or other structures on the premises or land involved in the appeal; *provided*, the company shall deposit in court the amount awarded or assessed by the report, or any part thereof appealed from, to abide the order of the court in the appeal. An appeal from any report, [or a] part or portion of a report of commissioners, by or on the part of any person interested in any parcel of land or real estate proposed to be taken by the company, shall stay all work on the road or other structure on the premises in question unless the company shall deposit in court the amount awarded or assessed by the report, or any part thereof appealed from, and give a bond to the satisfaction of the court who appointed said commissioners, and to be by said court approved, conditioned to pay any additional sum which shall be finally adjudged against said corporation and to abide the order of the court in such appeal.

When any report, or part of report of commissioners shall become final, and whenever any appeal from such report, or any part thereof, shall have finally determined, the said company shall, (upon payment to each party interested, the sum thereby determined to be due to him or her, or any corporation,) become invested and seized of all the right and title of the owner, incumbrancer or other person interested in the land or real estate for which such payment or deposit shall have been made, and entitled to the full, free, and perfect use and occupation of the same for the purposes of this act as herein described. The said commissioners shall be entitled to receive three dollars per day for their services, and their compensation and all fees of officers to, and including the filing of the commissioners' report, shall be paid by said company. In case the title thus acquired to any land by said company for their use in the manner herein mentioned, or otherwise, shall prove defective, they are hereby authorized to take the proceedings prescribed in this section to procure the title from the real owner or owners.

SEC. 3. That section eighteen (18) of said act be, and the same is amended so as to read as follows, viz:

Connections
with other
roads.

Sec. 18. The said corporation, as hereby created, is authorized and empowered, and it shall be lawful for the same to provide by contract or agreement for a connection (of the railroad mentioned and provided for in this act) with any railroad in the state of Wisconsin, terminating upon the

east bank of the Mississippi river, within two miles of the city of Red Wing, Minnesota, upon such terms and conditions, and in such manner as the board of directors of this corporation may deem practicable and advisable; and in case this corporation shall desire to construct said bridge across the Mississippi river, it is hereby authorized and empowered to extend its railroad to the said east bank of the Mississippi river; and for such purposes and object, the said company is hereby authorized and empowered to construct, maintain and use a bridge across the Mississippi river, to be built in such manner, with such suitable piers and draws as shall conform said bridge to the requirements of the several acts of congress upon that subject now in force, or to be passed relating thereto, and which shall in its construction the least obstruct the navigation of the said Mississippi river; said company using all proper skill in the location and maintenance of said bridge and draws; *provided*, in case it shall be necessary so to do, the corporation hereby created may, and is hereby authorized to establish and maintain a ferry across the Mississippi river, between the terminus of the said road hereby authorized, and the railroad in Wisconsin with which the same may be connected, *provided*, that such ferry shall be used for the purposes and in the business of the said railroad company.

Connections
with other
roads.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CVIII.

February 26.
1872.

An Act to authorize the Chippewa Valley and Lake Superior Railroad Company to construct a Railroad bridge across the Mississippi River.

- SECTION 1 Authority to construct a bridge across the Mississippi river.
2 Authorized to acquire lands near the bridge for use of the company.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
construct
bridge.

SECTION 1. The Chippewa Valley and Lake Superior railroad company, is hereby authorized and empowered to build and construct a bridge across the Mississippi River at any point or place, at or near the city of Wabasha in the county of Wabasha and state of Minnesota, for the purpose of crossing the same with a railroad track or tracks and trains of cars and suitable for that purpose; provided that said bridge shall be so constructed with draws that the navigation of said river shall not be unnecessarily incommoded or obstructed thereby; provided that said bridge shall be so constructed as to be in conformity with the laws of Congress.

Acquisition of
lands.

SEC. 2. That the said railroad company are hereby permitted and authorized to obtain and own, by purchase or otherwise, or by condemnation in the manner provided for in and by the act of the legislature of this state, entitled "An act to amend, revise and continue an act, entitled an act to organize the Mississippi Branch Railroad Company, approved May twenty third, one thousand eight hundred and fifty seven," which act, the provisions of which are hereby adopted as aforesaid, was approved March ninth A. D., eighteen hundred and sixty nine, so much land at or near the said bridge, as shall be necessary for the laying of railway tracks, the construction and erection of such depot buildings and all other buildings, constructions and erections as may be suitable and necessary for the use of the said railroad company in the transacting and expediting of its legitimate business.

SEC. 3. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 26 1872

CHAPTER CIX.

An Act Amending an Act Entitled "An Act" to Authorize the Minnesota Valley Railroad Company to Construct a Branch Line from Mankato or Some Point Near Thereto to the South Line of Faribault County, Approved March 6th, 1867.

February 29,
1872.

- SECTION 1. Amendment to section 1, authorizing a branch line to the Iowa State Line.
2. Amendment to section 2, declaring the provisions of the act incorporating the Sioux City and St. Paul Railroad, in force and applicable to this branch line.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

[SECTION 1.] That section one of the act entitled an act to authorize the Minnesota Valley railroad company to construct a branch line from Mankato or some point near thereto to the south line of Faribault county, approved March 6th, 1867, is hereby amended to read as follows :

Sec. 1. The Saint Paul and Sioux City railroad company is hereby authorized to survey, locate and construct a branch railroad from some suitable point on its main line in Blue Earth county to the south line of Faribault county, with a branch from the last named line via Fairmount, to the Iowa state line.

Branch line

SEC. 2. That section two of said act, approved March 6th, 1867, is hereby amended so as to read as follows :

Provisions applicable to branch line.

Sec. 2. The provisions of the act incorporating the Sioux City and St. Paul railroad company and all acts amendatory, additional or supplementary thereto, or conferring corporate rights, powers or privileges enjoyed by said company, so far as may be convenient or necessary for the construction or operation of said branch lines, are declared in force and applicable to the branch lines authorized by this act, and any county, township, city or village which is or may be authorized to aid in the construction of either of said branch lines, may, in lieu of the issue of bonds as a donation thereto, issue bonds in the same manner for the purchase of stock in such branch lines and may subscribe for capital stock in such lines for the amount of aid so to be given, and the stock so subscribed and paid for may be voted, managed, controlled or disposed of by the proper authorities of such county, township, city or village for the benefit of the same.

When act to take effect.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CX.

An Act to Amend an Act Entitled "An Act to Incorporate the Sauk Rapids and Sauk River Manufacturing Company," approved May Twenty-third, 1857, and an Act Amendatory Thereof, approved March Seventeenth, 1867.

February 29,
1872.

SECTION 1. Relating to the number constituting the board of directors.

2. Increase of capital stock.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That at the next annual election of the board of directors after the passage of this act, said board shall consist of five (5) stockholders, who shall hold their office for the term of one (1) year and until a successor is elected and enters upon the duties of his office.

Board of directors.

SEC. 2. The capital stock of said corporation may be increased to five hundred thousand (500,000) dollars.

Capital stock.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER CXI.

February 28,
1872.

An Act in Relation to the Cannon River Improvement Company.

- SECTION 1. Relating to the powers and purposes of the corporation.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Powers of the
corporation

SECTION 1. The corporators of the Cannon River improvement company, a corporation organized and existing under an act entitled "An act to provide for the incorporation of canals, slack-water navigation companies and other companies, for the prosecution of works of internal improvements," approved March 2, A. D. 1865, are hereby authorized and empowered to amend and alter their articles of incorporation so as to make it a purpose and object of such corporation, in addition to its present rights and purposes, to construct and operate a railroad, under title one (1), of chapter thirty-four (34), of the general statutes of the state of Minnesota, revision of 1866, from the Mississippi River via the valley of the Cannon River, in the general direction and route of said canal and slackwater navigation described in the original articles of incorporation of said company; and the said company shall, for the purpose of the construction of such railroad, have, use and enjoy, all and singular, the moneys, capital stock, subscriptions, property and rights of every nature and kind, acquired or pledged for the purpose of the construction of said canal and slackwater navigation and works connected therewith, and upon substantially the same conditions, so far as the same can be made conformable to the change of public improvement herein contemplated.

Provided, That the amendments and alterations of the articles of incorporation hereby authorized shall be filed and recorded in the office of the secretary of state.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1872.

CHAPTER CXII.

An Act to Revive, Continue and Amend an Act Entitled "An Act to Revive and Continue an Act and the Corporation Created by Said Act, Entitled 'An Act to Incorporate the St. Paul and St. Anthony Railroad Company,' approved March Second, One Thousand Eight Hundred and Fifty-three, and to Amend the said Act," approved March 4, 1868.

February 29,
1872.

- SECTION 1. Amendment to section 1, relating to the corporators, and change of name.
 2. Amendment to section 2, relating to the directors of the road, and the grant received from the city of St. Paul.
 3. Conditions upon which the grant is received.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one (1) of "An act to revive and continue an act and the corporation created by said act, entitled 'An act to incorporate the St. Paul and St. Anthony railroad company,' approved March second, one thousand eight hundred and fifty-three, and to amend the said act, approved March 4, 1868," be and the same is hereby amended so as to read as follows:

Sec. 1. That George L. Becker, Lafayette Emmett, Eugene Underwood, John M. Gilman, Charles H. Lienau, P. F. McQuillan, Louis Roberts, Parker Paine, J. C. Burbank, J. L. Merriam, William Dawson, E. F. Drake, H. L. Carver, Horace Thompson, William Lee, Wm. F. Davidson, A. H. Wilder, Peter Berkey, George Culver, James M. Winslow, Bartlett Presley, A. Vance Brown, J. A. Lusk, W. S. Wright, R. J. Baldwin, John Potts Brown, John S. Walker, Paris Gibson, O. C. Merriman, James A. Lovejoy, John S. Pillsbury, John B. Gilfillan, John Dudley, Richard Chute, C. H. Pettit, and their associates, successors and assigns, be and they are hereby created a body corporate, by the name and style of "The St. Paul

Corporators—
change of name

Street Railway Company," with perpetual succession, and by that name and style shall be and are hereby made capable in law to have, purchase, receive, possess, hold, use, enjoy, bargain, sell and convey real and personal estate and all kinds of property necessary to the proper management of the business of said railway company, and by that name to contract [and be contracted] with, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts of record or elsewhere, and also to have, make and use a common seal, and to alter, renew or change the same at their pleasure.

Direction of
road—grant
received.

SEC. 2. Section two (2) of the said act is hereby amended by inserting after the words "in the direction of the city of St. Anthony," the words, "or Minneapolis," in the seventh line of said section two (2) as published; and also by striking out the words "an ordinance to authorize the construction and operation of rail carriage ways in the city of St. Paul," passed by the mayor and common council of said city on the seventeenth day of December, A. D. one thousand eight hundred and sixty-seven, approved by the mayor thereof on the twenty-first day of December, A. D. one thousand eight hundred and sixty-seven, and purporting to grant to the several persons herein named as incorporators," and inserting in lieu and in place thereof, the words following, viz: "an ordinance to authorize the construction and operation of horse railways in certain streets in St. Paul," as adopted by the common council of said city on the second day of January, A. D. 1872, and approved and signed by the mayor thereof on the 8th day of January, A. D. 1872, and purporting to grant to the several persons therein named, as incorporators."

Conditions
upon which
grant is rec'd.

SEC. 3. All parts and portions of the said act above referred to, as hereby amended, are revived and continued in full force and effect, anything in said act contained to the contrary notwithstanding; when said railroad shall extend beyond the limits of the city of St. Paul, it shall be in the most direct line to the state university and shall be built to that point with all reasonable dispatch, anything in this act or the acts of which this is an amendment to the contrary notwithstanding.

When act to
take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXIII.

An Act to authorize the Southern Minnesota Railroad Company to construct and operate a Branch from some suitable point on its main line in Faribault County, by way of Blue Earth City to the Iowa State line.

February 29,
1872.

- SECTION 1.** Authorized to build a branch line to the Iowa State line.
2. Rights and privileges of the main line extended to the branch line.
 3. The branch line not to be subject to incumbrances or liens heretofore made.
 4. Authorizes the issue of stock for construction or operation of road.
 5. Authorizes a change of name upon public notice.
 6. Townships, villages or cities authorized to vote bonds, may in lieu thereof subscribe to the capital stock.
 7. When act to take effect.

SECTION 1. The Southern Minnesota Railroad Company, a corporation existing under the laws of this state, is hereby authorized and empowered to survey, locate, construct, maintain, and perpetually to operate a branch line of its railroad from some suitable point on its main line in Faribault county by the way of Blue Earth City, to the Iowa state line: Provided, that the said company shall be bound to carry freight and passengers upon reasonable rates.

Branch line.

SEC. 2. The said Southern Minnesota Railroad Company, shall have and possess in respect to their branch, by this act authorized, all the powers, franchises, rights and immunities, right of way and privileges that it has or may exercise on the main line of its road: Provided, that no grant of land which has heretofore been made by the state of Minnesota, to aid in the construction of said railroad, shall in any manner apply to the construction of said branch hereby authorized.

Rights and
privileges.

SEC. 3. The branch road hereby authorized, shall not be subject to the lien or incumbrance of any trusts, dues or mortgages heretofore made by said company.

Not subject to
previous in-
cumbrances.

SEC. 4. That if it shall be found convenient for the construction or operating of said branch road, said company are hereby authorized to create general or common, or

Issue of stock.

special, preferred stock applicable to said branch road, and may provide, by agreement, for the management of the business of said road, as a distinct, separate interest, and they may provide that stock, bonds, debts or liabilities issued, or contracted for the benefit of said branch, shall apply to and bind only the property of said branch, and may in like manner provide that debts or liabilities contracted for the main line shall not be a lien or incumbrance on the branch line.

Change of
name.

SEC. 5. Said company may by resolution of its board of directors, change the name of said company, and adopt any suitable name by which said company may in future be known, and may in like manner designate the name by which said branch line may be known, to take effect after public notice of such change shall be given for one month, in one of the daily papers of the City of St. Paul, but such change of name shall not affect any rights or liabilities of said company under any former name.

Authority to
vote bonds or
subscribe to
capital stock.

SEC. 6. Any township, incorporated city or village in said Faribault county, which is or may be authorized to vote bonds in aid of the construction of railroads, may, in lieu of the issue of bonds as a donation thereto, issue bonds in the same manner for the purchase of stock in such branch line, and may subscribe for capital stock in such line for the amount of aid so to be given, and the stock as subscribed and paid for may be voted, managed, controlled or disposed of by the proper authorities of such township, city or village for the benefit of the same.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXIV.

An Act to authorize the Red Wing and Menominee Railroad Company of Wisconsin, to build a Bridge across the Mississippi River at Red Wing. February 27,
1872.

- SECTION 1. Authority to build a bridge across the Mississippi river.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Red Wing and Menominee Railroad Company, of the state of Wisconsin, be and they are hereby authorized to erect and maintain a bridge for their said railroad, across the Mississippi River at or near Red Wing, between the state of Wisconsin and this state; provided that said bridge shall be built in conformity with the requirements of the acts of congress in relation to bridges across the Mississippi River, or any act of congress to be passed in reference to said bridge.

Authority to
build bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 27, 1872.

CHAPTER CXV.

February 24,
1872.

An Act to extend the time within which the Hastings and Dakota Railway Company may build a certain portion of its Railway.

SECTION 1. Extension of time for building a portion of the road.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Extension of
time.

SECTION 1. That the time limited by section one of chapter sixty three of the special laws of the state of Minnesota, of the year 1871, for the building of that forty miles of the railway of the Hastings and Dakota Railway Company, specified in said section, is hereby extended to the first day of August one thousand eight hundred and seventy two.

When act to
take effect.

SEC. 2. This act shall take effect from and after its passage.

Approved February 24, 1872.

CHAPTER CXVI.

*An Act to amend An act entitled a Bill to incorporate the
Mount Zion Hebrew Association, approved February
26, 1857.* February 29,
1872.

SECTION. 1. Amending the act of incorporation.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. An act entitled a bill to incorporate the Mount Zion Hebrew Association, approved February 26, 1857, is hereby amended by substituting for the word "Association" wherever the same occurs therein, the word "Congregation."

Amendment to
the act of in-
corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29, 1872.

CHAPTER CXVII.

March 4, 1872.

An Act permitting and confirming the building of a Railroad Bridge across Lake St. Croix by the West Wisconsin Railroad Company, and allowing said company to exercise its corporate powers and privileges within this State.

SECTION 1. Authorizes the erection of a bridge across Lake St. Croix.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Erection of
bridge.

SECTION 1. The West Wisconsin Railroad Company, is hereby authorized and empowered to construct and maintain a railroad bridge across Lake St. Croix, at or near Hudson, Wisconsin, and for that purpose as well as for the purpose of operating, and running cars and engines over any line of railroad in this state, may exercise all the corporate powers and privileges possessed by or vested in said corporation in the state of Wisconsin:

Provided, that any such bridge constructed at the point above designated, shall be so constructed as not unnecessarily to impede navigation, and shall contain a draw of three hundred and twenty (320) feet in length affording two spans of one hundred and forty (140) feet, each in the clear, for the passage of steamboats and other craft; also with a span of one hundred and thirty (130) feet in the clear, for the passage of rafts, and that the action of said corporation in building the bridge already constructed at that point, is hereby ratified, approved and declared legal.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CXVIII.

An Act declaring the Public Use of the St. Paul, Stillwater and Taylor's Falls Railroad Company.

February 29,
1872.

SECTION 1. Public use of the road declared.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the construction of the Saint Paul, Stillwater and Taylor's Falls Railroad, be and the same is hereby declared to be for the public use; provided that on or before the first day of January 1875, said company shall cause said road from Stillwater to Taylor's Falls, to be constructed and completed with the cars running thereon.

Railroad declared to be for public use.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER CXIX.

March 4, 1878. *An Act to authorize the St. Paul and Pacific Railroad Company, to build a Branch Line of their road from Sauk Centre, to Montevideo.*

- SECTION 1. Authority to build a branch line from Sauk Centre to Montevideo.
2. Provisions of the charter to the company to apply to the branch road.
 3. Authorizes the issue of bonds for the construction and operation of the road.
 4. Authorizes the branch to be named by public notice.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Branch line.

SECTION 1. The St. Paul and Pacific Railroad Company, a corporation existing under the laws of this state, is hereby authorized to survey, construct and maintain and operate a branch line of its railroad, commencing at Sauk Centre in the county of Stearns, and running thence by way of Chippewa Falls in the county of Pope, Benson in the county of Swift, and Montevideo in the county of Chippewa; Provided, that said branch road shall be constructed and completed to the village of Montevideo by the first day of September, one thousand eight hundred and seventy seven.

Provisions of
charter apply
to branch.

SEC. 2. That the laws now in force relating to the construction and operating, and all the provisions of the charter of the first division of the St. Paul and Pacific Railroad Company so far as applicable, necessary and convenient, shall be extended to and be in force for the construction and operation of the branch road authorized by this act, except that said branch line of the St. Paul and Pacific Railroad shall carry freight and passengers at reasonable rates.

Issue of bonds.

SEC. 3. That if it shall be found convenient for the construction or operating of said branch road, or any portion of its main or branch lines, said company is hereby authorized to create general or common, or special or preferred stock, applicable to said branch road, or its main and branch lines or either of them, and may provide by agreement for the management of the business of said road authorized by this act as a distinct, separate interest, and they may

provide that stocks, bonds, debts or liabilities, issued or contracted for the benefit of said branch, shall apply to and bind only the property of said branch, and may in like manner provide that debts and liabilities contracted for the benefit of the main line shall not be a lien or incumbrance on the branch line.

SEC. 4. Said company may by resolution of its board of directors, designate the name by which said branch line may be known, to take effect after public notice of such change or designation shall be given for one month in one of the daily newspapers of the City of St. Paul, but said change of name shall not affect any rights or liabilities of said company under any former name.

To be named
by public notice.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 4, 1872.

CHAPTER CXX

An Act to authorize the First Division of the St. Paul and Pacific Railroad Company, to construct a Branch from Little Falls in Morrison County, through Sauk Centre, Glenwood and Morris, to the West Line of the State.

February 29,
1872.

SECTION 1. Authority to build a branch from Little Falls to the west line of the State.

2. Provisions of the charter of the company and other laws in force to apply to the branch road.
3. Authorizes the issue of bonds for the construction and operation of the road.
4. Authorizes a name to be given to the branch line, upon public notice.
5. Conditions upon which this charter is authorized.
6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

Branch line. SECTION 1. That the First Division of the St. Paul and Pacific Railroad Company, is hereby authorized to survey, locate and construct a branch line from its road at the town of Little Falls, county of Morrison, running thence by the most practicable route through the towns of Sauk Centre in Stearns county, Glenwood in the county of Pope, to Morris in Stearns [Stevens] county, and thence to the west line of the state near Lake Traverse; provided, that the said company shall be bound to carry freight and passengers upon said branch railroad upon reasonable rates as may from time to time be prescribed by law.

Provisions of charter to apply to branch. SEC. 2. That the laws now in force, relating to the construction and operation, and all the provisions of the charter of the First Division of the St. Paul and Pacific Railroad Company convenient, shall be extended to and be in force for the construction and operation of the branch road authorized by this act.

Issue of bonds. SEC. 3. That if it shall be found convenient for the construction or operation of said branch road, said company are hereby authorized to create general or common or special or preferred stock applicable to said branch road, and may provide by agreement for the management of the business of said road authorized by this act as a distinct separate interest, and may provide their stock, bonds, debts or liabilities issued or contracted for the benefit of said branch shall apply to and bind only the property of said branch and may in like manner provide that debts and liabilities contracted for the benefit of the main line, shall not be a lien or encumbrance on the branch line.

To be named upon notice. SEC. 4. Said company may by resolution of its board of directors designate the name by which said branch line may be known, to take effect after public notice of change or designation shall be given for one month in one of the daily newspapers of the City of St. Paul, but such change of name shall not affect any rights or liabilities of said company under any former name.

Conditions. SEC. 5. The provisions of this act are upon the express conditions that said company shall cause said road to be surveyed within one year from the passage of this act, and shall commence the construction of said branch within two years, and shall have all of that portion of the road between Little Falls and Morris, completed before the first day of January, Anno Domini one thousand eight hundred and

seventy seven, and the cars running thereon: Providing that in case the company owning the First Division of the St. Paul and Pacific Railroad shall fail to comply with any of the provisions of this act, it shall be lawful for any other company now or hereafter organized to build said railroad, and such other company shall be vested with all the rights, powers and privileges herein vested in the said First Division of the St. Paul and Pacific Railroad.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29, 1872.

CHAPTER CXXI

An Act to amend Section four of An act entitled An act to Incorporate the St. John Seminary, Approved March 6th, A. D. 1857.

February 29,
1872.

SECTION 1. Amendment to section 4, relating to corporate rights.

2. When act to take effect

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. That section four of an act entitled "An Act to incorporate the St. John Seminary, approved March 6th, A. D. 1857, be and the same is hereby amended so as to read as follows:

Sec. 4. This politic and corporate body shall be empowered by its representatives, with rights as such of suing and being sued, of contracting and being contracted with, of purchasing, holding and selling real and personal estate, of making and using a common seal and altering the same at pleasure; provided always, that the annual income of said

Corporate
rights.

corporation shall not exceed the sum of sixty thousand dollars.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXXII.

February 29,
1872.

An Act to amend an act. relative to the branch line of the Lake Superior and Mississippi Railroad, authorized by Section two of the amended act relating to said Railroad Company, approved March 8th, 1861, more definitely locating said Branch.

- SECTION 1 Amendment to section 2, relating to the construction of a branch from North Branch to Taylor's Falls.
2. Conditions upon which the rights and privileges of this act are granted.
 3. Repeal of inconsistent acts.
 4. When act to take effect?

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of section two of said act as relates to the construction of a branch road from the main line of said road, to the navigable waters of the St. Croix River, be and the same is hereby amended so that it shall read as follows:

Branch road.

That the Lake Superior and Mississippi Railroad Company is hereby authorized to survey, locate, construct and perpetually to operate the branch line of its railroad authorized by the provisions of section two (2) of the act entitled "An Act to incorporate the Nebraska and Lake Superior Railroad Company," approved March 8th, 1861, by constructing

the said branch from a point on said main line, at or near the village of North Branch, and extending the same to the village of Taylor's Falls on the St. Croix River; which said village of Taylor's Falls is hereby fixed as the south eastern terminus of said branch railroad, with power however to said company to construct a bridge over the St. Croix River at said terminal point so as not to obstruct the navigation of said river, and to extend said branch line over said bridge. Branch road.

That said company shall have and possess in respect to the said branch in this act designated, all powers, rights of way, and of the condemnation of property for right of way, and franchises, immunities, grants of property, in said act of March 8th, 1861, intended and pertaining to the said branch therein named, Provided however, that the said branch in this act designated, shall be constructed, with the cars running thereon from said connection at the village of North Branch to the said village of Taylor's Falls within three years from the 1st day of July, 1872.

And provided further, that in case the said company shall not within the said three years, make and construct the said branch road according to the provisions of this act, they shall hereby forfeit all the rights and immunities to the same, and the lands belonging to said branch road according to the terms of the original grant shall hereby revert to the state, to be hereafter applied for the construction of said branch road. •

SEC. 2. The rights and privileges granted by this act are made upon the condition that the said branch railroad at its points of crossing other railroads in this state built or graded and in operation prior to its construction at such points of crossing shall be so built as to cross the same at grade, and shall be to the expense of constructing its proper one half of the necessary tracks for junction therewith, and also with other railroads already constructed, and also with other railroads which may be constructed after the construction of said branch railroad, similar junction shall be made, and that the company now or hereafter owning or operating the said railroad, shall transport freight from any and all stations on its line to said several points of junction or crossing and shall also receive freight from said railroad at the several points of junction or crossing therewith for transportation and transport the same to said stations at rates not exceeding the lowest local rates charged and collected on any portion of its line of railroad for corresponding distances for freights of the same classification or kind, which said rates shall not exceed the lowest average rates of the rail- Conditions of the grant.

roads of this state for the same distances, and shall also transport the cars of said connecting railroads on its railroad, and allow for mileage on the same the rates allowed by common usage for exchange of car service from time to time and shall afford all usual facilities accorded by railroads interchanging business, and no discrimination or preference shall be made in favor or against any locality, person or either of said connecting railroads; provided, that said branch railroad, shall have and enjoy the same privileges hereinbefore granted in this section over and upon the railroads of other railroad companies connecting with it, as are hereby granted to said companies, and that the provisions of this section so far as they are applicable, shall be mutual and reciprocal between said branch railroad company and each of said connecting railroads.

Repeal of inconsistent acts.

SEC. 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXXIII.

An Act to Authorize the Winona and St. Peter Railroad Company, its Successors or Assigns, to Construct a Branch Road from Waseca, in Waseca County, via Blue Earth City, in Faribault County, to the Iowa State Line, and for Other Purposes. March 1, 1872.

- SECTION 1. Authorized to build a branch to the Iowa State line.
 2. Common, preferred and special stock authorized to be issued.
 3. Conditions upon which the rights and privileges are granted.
 4. Authorizes a change of name upon public notice.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Winona and St. Peter railroad company, its successors or assigns, is hereby authorized to survey, locate, construct, own and operate a branch railroad from its main line, at the village of Waseca, in Waseca county, via Blue Earth City, in Faribault county, to the Iowa state line, and the laws now in force relating to the constructing and operating, and all the provisions of the charter of the Winona and St. Peter railroad company so far as applicable, necessary and convenient and not contrary to the provisions of this act, are continued and shall be extended to and be in force for the construction and operation of the branch road authorized by this act. Branch line.

SEC. 2. The said company, its successors or assigns, is hereby authorized to create and issue additional common preferred and special stock of such classes and amounts, and make such agreements with the holders thereof relating to security and dividends on such stocks, and participation in the property, earnings, management and affairs of said company as the directors may think proper, and said company owning said branch road may mortgage the same to secure its obligations, and provide by agreement for separate stocks and obligations for and upon said branch road, with separate liabilities and benefits from the main road; and they may Issue of stock.

provide that stocks, bonds, debts or liabilities issued or contracted for the benefit of said branch, shall apply to and bind only the property of said branch, and may in like manner provide that debts or liabilities contracted for the benefit of the main line shall not be a lien or incumbrance on the branch road.

Rights and
privileges.

SEC. 3. The rights and privileges granted by this act are made upon the condition that the said Winona and St. Peter railroad company's branch hereby authorized to be constructed at its points crossing other railroads in this state, built and in operation prior to its construction at such points of crossing, shall be so built as to cross the same at grade, and shall be to the expense of constructing its proper one-half of the necessary tracks of other railroad companies connected with it, as are hereby granted to said companies, and that the provisions of this section, so far as they are applicable, shall be mutual and reciprocal between said branch line and each of said connecting railroads.

Change of
name.

SEC. 4. Said company, its successors or assigns, may, by resolution of its board of directors, change the name of said company and adopt any suitable name by which said company may in future be known, and may in a like manner designate the name by which said branch road may be known, to take effect after public notice of such change shall be given for one month in one of the daily and weekly papers of the city of St. Paul, but such change of name shall not affect any rights or liabilities of said company or branch company under any former name.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CXXIV.

An Act to Authorize the Minneapolis and St. Louis Railway Company to Construct Branch Lines and for Other Purposes.

February 29,
1872.

SECTION 1. Authorized to build a branch line.

2. Authority to issue common, preferred or special stock.
3. Conditions upon which rights and privileges are granted.
4. Shall commence building branch lines within two years.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

SECTION 1. That the Minneapolis and St. Louis railway company is hereby authorized to construct, own and operate a branch line of railroad from some point of its main line within the city of Minneapolis, through the counties of Hennepin, Wright and Stearns, to the village of Sauk Centre in Stearns county, or Alexandria or Evansville, Douglas county, and also a branch from Rockford in Wright county, or some other point in Wright or Hennepin counties, connecting with the above named Minneapolis and Sauk Centre branch, via the village of Watertown, Carver county, to the village of Hutchinson, McLeod county; and the laws in force relating to the Minneapolis and St. Louis railway company, conferring powers and privileges to construct its main line of road and telegraph, shall be in force and applicable to the branch line hereby authorized.

Branch line.

SEC. 2. The Minneapolis and St. Louis railway company is hereby authorized to create and issue additional common preferred and special stock of such classes and amounts, and make such agreements with the holders thereof relating to security and dividends on such stocks and participation in the property, earnings, management and affairs of said company as the directors may think proper, and said company owning said branch line may mortgage the same to secure its obligations and provide by agreement for separate stocks

Issue of stock.

and obligations for and upon said branch line, with separate liabilities and benefits from the main line. *Provided*, That said company shall not issue more than———of stock of all classes, in addition to the amount heretofore authorized.

Rights and
privileges.

SEC. 3. The rights and privileges granted by this act are made upon the condition that said Minneapolis and St. Louis railway company's branch hereby authorized to be constructed, at its points crossing other railroads in this state, built or graded and in operation prior to its construction at such points of crossing, shall be built so as to cross the same at grade, and shall be to the expense of constructing its proper one-half of the necessary tracks for junction therewith, and also with other railroads already constructed, and also with other railroads which may be constructed after the construction of said Minneapolis and St. Louis railway company's branch hereby authorized to be constructed, similar junction shall be made, and that the company now or hereafter owning or operating the said branch railroad shall transport freight from any and all stations on its said branch line to the several points of junction or crossing, and shall also receive freight from said railroads at the several points of junction or crossing therewith, for transportation, and transport the same to said stations, at rates not exceeding the local rates charged and collected on any portion of its line of railroad for corresponding distances, for freight of the same classification or kind, which said rates shall not exceed the lowest average local rates of the railroads of this state for the same distances, and shall also transport the cars of the said connecting railroads on its railroad, and allow for mileage on the same the same rates allowed by common usage for exchange of car service from time to time, and shall afford all usual facilities accorded by railroads interchanging business, and no discrimination or preference shall be made in favor of or against any locality, person, or either of said connecting railroads. *Provided*, That said Minneapolis and Saint Louis railway shall have and enjoy the same privileges so far as this branch is concerned, hereinbefore granted in this section, over and upon the railroads of other railroad companies connected with it, as are hereby granted to said companies, and that the provisions of this section so far as they are applicable, shall be mutual and reciprocal between said branch line and each of said connecting railroads.

When to com-
mence building
branch.

SEC. 4. The said Minneapolis and Saint Louis railway company shall commence the building of the above branches from their main line to Sauk Centre in Stearns county, or to Alexandria or Evansville, Douglas county, and to the

village of Hutchinson, via Watertown in Carver county, within two years from the passage of this act, and complete and operate the same within four years from the passage of this act.

SEC. 5. All acts or parts of acts conflicting with this act are hereby repealed, and this act shall be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER CXXV.

An Act to change the name of Addie M. Konts to Addie M. Sawyer. February 29,
1872.

SECTION 1. Change of name of Addie M. Konts to Addie M. Sawyer.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of Addie M. Konts, of the town of Le Sauk, Stearns county, be and the same is hereby changed to Addie M. Sawyer. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER CXXVI.

March 4, 1872. *An Act to change the names of John P. Johnson and Magnus Magnuson.*

SECTION 1. Change of name of John P. Johnson and Magnus Magnuson.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
names.

SECTION 1. The name of John P. Johnson, of the town of Francisco, county of Chisago, and state of Minnesota, is hereby changed to John P. Hall.

The name of Magnus Magnuson, of the same town, county and state, is hereby changed to Magnus M. Broberg.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CXXVII.

An Act to change the name of Elmer Ellsworth Carter to March 4, 1872.
Elmer Ellsworth Eastgate.

SECTION 1. Change of name of Elmer Ellsworth Carter to Elmer Ellsworth Eastgate.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Elmer Ellsworth Carter be and the same is hereby changed to Elmer Ellsworth Eastgate. Change of name.

SEC. 2. That the said Elmer Ellsworth Eastgate be and he is hereby constituted and declared the legally adopted son and heir at law of Hosea Eastgate and his wife, Lavina W. Eastgate, of the town of Great Bend, county of Cottonwood, and state of Minnesota, and he shall enjoy all the rights and privileges, and be subject to the same care, custody and control, as if he had been the child of the said Hosea Eastgate and Lavina W. Eastgate.

SEC. 3. This act shall take effect and be in force on and after its passage. When act to take effect.

Approved March 4, 1872.

CHAPTER CXXVIII.

February 20,
1872.

An Act to change the name of Louis Oliver Newman, and to make him the heir at law of John E. and Helen M. Lyons.

SECTION 1. Change of name of Louis Oliver Newman.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Louis Oliver Newman be and the same is hereby changed to that of Louis Oliver Lyons, and he is hereby constituted the legally adopted child and heir at law of John E. and Helen M. Lyons.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXXIX.

An Act to change the name of Edna Amanda Churchill to March 4, 1872.
Edna Amanda Stephens.

SECTION 1. Change of name of Edna Amanda Churchill to Edna Amanda Stephens.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of Edna Amanda Churchill, of Olmsted county, be and is hereby changed to Edna Amanda Stephens. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 4, 1872.

CHAPTER CXXX.

March 1, 1872. *An Act to change the name of the town of Guthrie, Faribault county.*

- SECTION 1. Change of name of the town of Guthrie.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of the township of Guthrie, Faribault county, be and the same is hereby changed to that of Delavan.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CXXXI.

An Act to change the name of Henry Bork to Henry Meier, and to make him heir at law of Henry Meier. March 1, 1872.

- SECTION 1. To change name of Henry Bork to Henry Meier.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of Henry Bork, of Ramsey county, Minnesota, be and the same is hereby changed to Henry Meier, and that the said Henry Meier be and he is hereby made heir at law of Henry Meier, of Ramsey county aforesaid. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CXXXII.

February 28,
1872

An act to change the name of Minnie Kate Montgomery to Minnie Kate Slocum, and to make her the heir at law of George W. and Louisa Slocum.

SECTION 1. To change the name of Minnie Kate Montgomery to Minnie Kate Slocum
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Minnie Kate Montgomery be and the same is hereby changed to that of Minnie Kate Slocum, and she is hereby declared the heir at law of George W. and Louisa Slocum, of the county of Dodge and state of Minnesota, the same as though she were their lawful child by birth.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1872.

CHAPTER CXXXIII.

*An Act to change the name of Charles Gilroy to Charles
Gilroy Darling.*

February 29,
1872.

SECTION 1 To change the name of Charles Gilroy to Charles Gilroy Darling.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of Charles Gilroy be and the same is hereby changed to that of Charles Gilroy Darling, of the county of Rice and state of Minnesota.

Change of
name.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29, 1872.

CHAPTER CXXXIV.

February 24.
1872.

An Act to constitute Elizabeth Ann Stoneman one of the heirs at law of Aletha C. Stoneman.

SECTION 1. To constitute Elizabeth Ann Stoneman one of the heirs at law of Aletha C. Stoneman.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Constituting
heir at law.

SECTION 1. That Elizabeth Ann Stoneman, daughter of Mark D. Stoneman, of St. Anthony, in the state of Minnesota, by a former wife, is hereby constituted and declared to be one of the heirs at law of Aletha C. Stoneman, the present wife of said Mark D. Stoneman, with all the rights, privileges and inheritancy which would have belonged to her had she been the daughter of said Aletha C. Stoneman, born in wedlock.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CXXXV.

*An Act to change the names of Edward Keyes Wheelock
and Annie Elizabeth Wheelock.*

February 28,
1872.

SECTION 1. To change the name of Edward Keyes Wheelock and Annie Elizabeth
Wheelock.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the names of Edward Keyes Wheelock
and Annie Elizabeth Wheelock, of Rice county, be and the
same are hereby changed to Frank Wheelock Newcomb
and Mary Newcomb, and they are hereby constituted the
adopted children and heirs at law of Silas Newcomb and B.
C. Newcomb, his wife, of said Rice county, the same as if
they had been their children by birth.

Change of
name.

SEC. 2. This act shall take effect and be in force from
and after its passage.

When act to
take effect.

Approved February 28, 1872.

CHAPTER CXXXVI.

March 4, 1872. *An Act to Change the Names of Certain Persons therein named.*

SECTION 1. To change the names of certain persons.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Anders Olesen, of the county of Kandiyohi, be and the same is hereby changed to Anders O. Henjum; Christoffer Olsen, of the county of Fillmore, to Christoffer O. Henjum. That the name of L. Brandoold, of Fillmore county, be changed to Lars O. Brandoold.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CXXXVII.

An Act to change the name of Minnie Moore, to that of March 4, 1872.
Grace Bebee.

- SECTION 1. To change the name of Minnie Moore to Grace Bebee.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Minnie Moore of Faribault, Rice county, Minnesota, infant daughter of Edward and Flora A. Moore, be and the same hereby is changed to that of Grace Bebee, and she is hereby constituted the adopted daughter of Asa Bebee and Mary J. Bebee his wife of Faribault aforesaid. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 4, 1872.

CHAPTER CXXXVIII.

February 29,
1872.

*An Act to change the Names of certain persons therein
Named.*

- SECTION. 1. To change the names of certain persons.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
names.

SECTION 1. That the name of Andrew Anderson, is hereby changed to that of Anders A. Hoverstad.

That the name of Iver Knudson, is hereby changed to that of Iver K. Dalbotten.

That the name of Halsten Olson, is hereby changed to that of Halsten O. Braaten.

That the name of Ole Olson, is hereby changed to that of Ole O. Braaten.

When act to
take effect

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 29, 1872.

CHAPTER CXXXIX.

An Act to change the Name of John Eder, to John Marty, and to declare him the adopted son and heir at law of John Marty and Anna Maria Marty his wife. February 29, 1872.

SECTION 1. To change the name of John Eder to John Marty.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of John Eder of the county of Washington, infant son of Charles Eder of said county, be and the same is hereby changed to John Marty, and he is hereby constituted the adopted son, and an heir at law, of John Marty and Anna Maria Marty his wife, of said Washington county, and entitled in all respects to the same privileges, and subject to the same control as if he had been the son of said John Marty and Anna Maria Marty his wife by birth. Change of name.

This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER CXL.

February 29,
1872.

An Act to change the Names of Elling Anderson and Andrew Anderson Jr., to Elling A. Qualle and Andrew N. Qualle.

SECTION 1. To change the names of Elling Anderson and Andrew Anderson, Jr.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
names.

SECTION 1. That the name of Elling Anderson, [be] and the same is hereby changed to that of Elling A. Qualle of the county of Dodge and state of Minnesota, and that the name of Andrew Anderson, Jr., [be] and the same is hereby changed to that of Andrew N. Qualle of said county and state.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXLI

An Act to change the Names of persons herein named, residing in Faribault County.

February 29,
1872.

SECTION 1 To change the names of certain persons.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Lewis Johnson of Faribault county, be and the same is changed to Ludwig Erik Malmin. Change of name.

The name of Ellef Johnson, is hereby changed to Ellef Johannerson Lien.

The name of Bendt Johnson is hereby changed to Bendt Johannerson Lien.

That the name of John L. Johnson is hereby changed to that of Johannes J. Lien.

That the name of Ole L. Johnson is hereby changed to that of Ole Johannes Lien.

This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER CXLII.

February 29, *An Act to change the Name of Ole Torkelson to that of*
1872. *Ole Shaw.*

- SECTION 1. To change the name of Ole Torkelson to Ole Shaw.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Ole Torkelson living in the town of Butternut Valley, county of Blue Earth, and state of Minnesota, be and the same is hereby changed to that of Ole Shaw.

When act to
take effect,

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER OXLIII.

An Act to change the name of Edgar Greenwood to that of February 29,
John Norman Richardson. 1872.

SECTION 1. To change the name of Edgar Greenwood to John Norman Richardson.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Edgar Greenwood, of the county of Jackson and state of Minnesota, is hereby changed to that of John Norman Richardson, and he is constituted heir at law of John and Addie Richardson of said Jackson county. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER CXLIV.

February 24,
1872.

An Act to change the Name of the Scandinavian Evangelical Lutheran Church of Red Wing, Goodhue County, Minnesota.

- SECTION 1. To change the name of the Scandinavian Evangelical Lutheran Church.
 2. Not to effect rights, privileges or property of church or members.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of the Scandinavian Evangelical Lutheran Church at Red Wing Goodhue county, Minnesota Territory, be and the same is hereby changed to the Swedish Evangelical Lutheran Church at Red Wing, in Goodhue county, state of Minnesota.

Not to effect
rights and
privileges.

SEC. 2. That the change in said name shall in no manner effect the rights, privileges and property of said church or any member thereof, or person or persons whomsoever, but said church shall proceed under the new name as under the former one.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CXLV.

An Act to Restore the Name of Aitkin County.

February 29,
1872.

- SECTION 1. To restore the name of Aitkin county.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of Aiken county shall be and is hereby changed to Aitkin. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 29, 1872.

CHAPTER CXLVI.

February 24,
1872.

*An Act to Change the Name of White Bear Lake, in Pope
County.*

- SECTION 1. To change the name of White Bear Lake, in Pope county.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of White Bear Lake, situated in the county of Pope, be and the same is hereby changed to that of Lake Whipple.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CXLVII.

*An Act to Change the Name of Ole Hanson to Ole Hanson
Howe.*

February 29,
1872.

SECTION 1. To change the name of Ole Hanson to Ole Hanson Howe.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Ole Hanson, of Watonwan county, be and the same is hereby changed to Ole Hanson Howe. Change of
name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved February 29, 1872.

CHAPTER CXLVIII.

March 4, 1872. *An Act to Change the Name of Isaac Aslakson to Isaac Anderson.*

- SECTION 1. To change the name of Isaac Aslakson to Isaac Anderson.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Isaac Aslakson, of the town of Rushford, county of Fillmore and state of Minnesota is hereby changed to Isaac Anderson.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CXLIX.

*An Act to Change the Names of Certain Persons Therein
Named and to Constitute them Heirs at Law of Certain
Other Persons Therein Named.* March 4, 1872.

SECTION 1. To change the names of certain persons.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That the name of Jennie [Bowman] Brownson be and the same is hereby changed to Jennie Bedford, and she is hereby constituted the heir at law for all purposes whatever, of William S. Bedford. Change of names.

SEC. 2. That the name of Fred Barker, of Blue Earth City, in the county of Faribault, state of Minnesota, be and the same is hereby changed to Fred Mount.

SEC. 3. That the said Fred Mount be and he is hereby constituted the legally adopted son and heir at law of John E. Mount and his wife Sarah Mount, of Blue Earth City, in the county of Faribault and state of Minnesota, and he shall enjoy all the rights and privileges and be subject to the same care and control as if he had been the child of said John E. Mount and Sarah Mount.

SEC. 4. That the name of Ida May McDonald, of Hennepin county, be and the same is hereby changed to Ida May Richards, and she is hereby constituted the adopted daughter and heir at law of A. R. Richards and Mary E. Richards, of Hennepin county, the same as if she had been their daughter by birth.

SEC. 5. That the name of Sarah Malinda Sanbourn, of Lake City, Wabasha county, be and the same is hereby changed to Sadie Ellen Collins, and she is hereby constituted an heir at law of Charles J. Collins and A. J. Collins his wife, of Wabasha county, and she shall enjoy all the rights and privileges and be subject to the same control as if she was the legitimate child of the said Charles J. Collins and A. J. Collins.

Change of
names.

SEC. 6. That the name of Edeath Sanbourn be and the same is hereby changed to Daisey S. Collins, and she is hereby constituted an heir at law of Jas. S. Collins and R. G. Collins his wife, of Wabasha county, and she shall enjoy all the rights and privileges and be subject to the same control as if she was the legitimate child of the said Jas. S. Collins and R. G. Collins.

SEC. 7. That the name of Julia M. Perry, of LeSueur county, be and the same is hereby changed to Julia M. Dawson, and she is hereby constituted the heir at law of Robert C. Dawson and Mary C. Dawson his wife, of LeSueur, the same as if she had been their daughter by birth.

SEC. 8. That the name of Alice Melina Fisk, an infant child, of Washington county, be and the same is hereby changed to Alice Rice Murdock, and the name of James Clinton Fisk, an infant child, of said county, be and the same is hereby changed to Robert Clinton Murdock; and the said infants are hereby declared and constituted the adopted children and heirs at law of Hollis R. Murdock and Sarah A. Murdock his wife, of said Washington county, and entitled to the same privileges and subject to the same control as if they had been their children by birth.

SEC. 9. That the name of Rose Styles be and the same is hereby changed to Josephine McRay, and that she is hereby constituted heir at law of James McRay.

When act to
take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CL.

*An Act to Change the Name of Northfield College to Carleton College.*January 16.
1872

- SECTION 1. To change the name of Northfield College.
 2. To perpetuate all rights, immunities franchises, &c
 3. When act to take effect

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Northfield College, of Northfield, Minnesota, be and the same is hereby changed to that of Carleton College, by which latter name said college shall hereafter be known and called, and in which latter name said college may transact all business, sue and be sued; and that the articles of incorporation thereof, entered into November 13th, 1866, and filed in the office of the secretary of state in Saint Paul, December 17th, 1866, be amended so that wherever in said articles the name of "Northfield College" occurs the same shall be changed to and understood to mean "Carleton College."

Change of
name.

SEC. 2. That all the rights, immunities, franchises, endowments and property heretofore granted, conveyed or conferred upon said college are hereby perpetuated unto said college in the name of Carleton College; and all lands, donations and property which may be hereafter secured or owned by said college shall vest in and be held by said college in the name of "Carleton College." And all contracts heretofore made and all acts done by the officers of said college shall be legal and binding the same as if done subsequent to this act and in the name of "Carleton College."

Perpetuation
of rights, &c.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved January 16, 1872.

CHAPTER CLI.

February 29,
1872.

An Act to Change the Name of Anna Catharina Margaretha Hell to Anna Margaretha Heinrich, and Constitute Her the Heir at Law of William Heinrich and Margaretha Heinrich.

SECTION 1 To change the name of Anna Catharina Margaretha Hell to Anna Margaretha Heinrich.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Anna Catharina Margaretha Hell, of Rice county, be and the same is hereby changed to Anna Margaretha Heinrich, and she is hereby constituted the daughter and heir at law of William Heinrich and Margaretha Heinrich his wife, of Faribault, Rice county.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CLII.

An Act to Change the Name of Thore Thorson to Henry Jones. February 28,
1872.

- SECTION 1. To change the name of Thore Thorson to Henry Jones.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Thore Thorson be and the same is hereby changed to that of Henry Jones, of the county of Kandiyohi and state of Minnesota. Change of
name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved February 28, 1872.

CHAPTER CLIII.

March 1, 1872. *An Act to Change the Name of Mary Ann Biggs to Mary Rowena Strafford, and Constitute Her Heir at Law of William Strafford.*

SECTION 1. To change name of Mary Ann Biggs to Mary Rowena Strafford
2. When act to take effect.

Be it enacted by the Legislatare of the State of Minnesota:

Change of
name.

SECTION 1. That the name of Mary Ann Biggs be changed to Mary Rowena Strafford, and that she be constituted heir at law of William Strafford, of Olmsted county.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CLIV.

An Act to Change the Name of Lewis Wine, and to Make Him the Heir at Law of James Keller and Esther J. Keller. February 28, 1872.

SECTION 1. To change the name of Lewis Wine to Lewis Keller.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of Lewis Wine be and the same is hereby changed to that of Lewis Keller, and is hereby constituted the legally adopted child and heir at law of James Keller and Esther J. Keller. Change of name.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 28, 1872.

CHAPTER CLV.

February 24,
1872.

*An Act to Constitute May Wallace Sawyer the Adopted
Daughter and Heir at Law of Hattie B. Sawyer.*

SECTION 1 To constitute May Wallace Sawyer heir at law of Hattie B. Sawyer.
2 When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

To constitute
heir at law.

SECTION 1. That May Wallace Sawyer, of the city and county of Winona, is hereby constituted the adopted daughter and heir at law of Mrs. Hattie B. Sawyer, of the same place, the same as if she had been her daughter by birth.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CLVI.

An Act to Change the Name of Centerville, in Wabasha County, in the State of Minnesota, to Plainview, and Legalize Certain Conveyances Therein.

February 26,
1872

- SECTION 1. To change the name of Centerville to Plainview.
2. Conveyances of real estate heretofore made declared legal.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of the village of Centerville, in the township of Plainview, in the county of Wabasha and state of Minnesota, be and the same is hereby changed to that of Plainview, by which name it shall hereafter be known, and in all transfers of real estate within the limits of said village made and acknowledged after the passage of this act, the same shall be described as being in the village of Plainview, and shall be as effectual to convey the title to such property as though the name of said village had never been changed, and no rights, privileges or immunities whatever shall be effected by such change of name.

Change of
name.

SEC. 2. All conveyances of real estate within the limits of the surveyed plat of said village, as surveyed and platted by A. K. Bowen in the year A. D. 1856, heretofore made and executed, or that may be made and executed before the first day of next May, and heretofore or hereafter duly recorded in the proper records of said county, are hereby declared legal and sufficient to convey all the rights, title and interest the grantor or grantors had or may have at the time of such conveyance, in and to the property intended to be conveyed according to the intent and meaning of the instrument, whether the same is described as being in Centerville or in Plainview.

Former con-
veyances legal-
ized.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 26, 1872.

CHAPTER CLVII.

March 4, 1872. *An Act to Locate a State Road from Chengwatana, in Pine County, to Brunswick, in Kanabec County.*

SECTION 1. State road between Chengwatana and Brunswick legalized.

2. Requires the commissioners of the respective counties to improve the same.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

State road
legalized.

SECTION 1. That the line of road as laid out and platted between Chengwatana, by way of Pine City, in Pine county, and Brunswick, in Kanabec county, be and the same is hereby established as a state road and public highway, and that upon filing the plat and the field notes of the survey of said roads, as made by J. D. Wilcox and Capt. Jas. Stewart, in the office of the register of deeds of said Pine county, and a duplicate thereof in the office of the register of deeds of Kanabec county, the location of said road shall be deemed complete.

Improvement
of road.

SEC. 2. That it shall be the duty of the county commissioners of the respective counties in and through which said road is laid out and opened, to cause those portions thereof in their respective counties to be improved and to be kept in constant repair, so that the same shall be made suitable for use as a public highway.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CLVIII.

*An Act to Repeal Chapter One Hundred and Sixteen (116),
of the Special Laws, A. D. 1871, Relating to a Wagon
Road in Carleton County.*

February 29,
1872.

SECTION 1 Repeal of chapter 116 of special laws of 1871, relating to a wagon road.
2 When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter one hundred and sixteen (116), of the special laws of the year eighteen hundred and seventy-one (1871), be and the same is hereby repealed. *Provided*, That this act shall not be construed to impair any claims reported against the county of Carleton, which the road commissioners named in the said chapter hereby repealed, or their assistants therein authorized, may have on account of their labor performed under or by virtue thereof.

Repeal of chapter 116, special laws of 1871.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER CLIX.

March 4, 1872. *An Act to Locate and Establish a State Road from Henderson, Minnesota, to Beaver Falls, in Renville County.*

- SECTION 1. Appointment of commissioners to lay out a state road.
2. Time of meeting of commissioners.
 3. Survey and necessary help to be employed.
 4. Commissioners to appraise damages, with proviso that county commissioners may re-appraise.
 5. Right of appeal to the district court.
 6. Expenses to be paid by the counties through which the road is located.
 7. Expenses to be audited by the county auditors, upon approval by the county commissioners.
 8. Stakes to be set and plats to be filed of the location of the road.
 9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Jacob Frankenfield, of Henderson, in the county of Sibley, in the state of Minnesota, Andrew Hall, of Round Grove, in the county of McLeod, in the state aforesaid, and Peter Henry, of Beaver Falls, in the county of Renville, in the state aforesaid, are hereby appointed commissioners to survey, locate and establish a state road from the borough of Henderson, in the county of Sibley and state of Minnesota, running thence through the county of Sibley, the county of McLeod and the county of Renville, to Beaver Falls aforesaid, by way of Prairie Mound, Montville and Round Grove.

SEC. 2. That such commissioners shall meet at Henderson, in the county of Sibley, at such a day as Jacob Frankenfield, one of the commissioners aforesaid, may appoint, at any day subsequent to the passage of this act.

Provided, That if either of said commissioners shall be unable, from any cause, to discharge the duties aforesaid, the others shall have the power to substitute some person to act in his place, and such action by such substitute shall

have the same effect as if he were appointed commissioner by this act.

SEC. 3. That said commissioners are hereby authorized to employ one surveyor at five dollars per day, two chainmen, one axeman and one flagman, at two dollars and fifty cents per day, and two teamsters with teams at five dollars per day for each team, and the commissioners shall be entitled to three dollars per day for services performed under this act.

Survey and
help to be em-
ployed.

SEC. 4. The said commissioners, at the time when they shall survey said road, shall appraise the damages sustained by each owner of the land through which said road shall pass, and in case any one shall feel aggrieved by said appraisal, he may, within thirty days, appeal in writing to the commissioners of the county in which said land is situated, and the said county commissioners shall determine the amount of damages as in the case of a county road.

Appraisal of
damages.

Provided, That the county commissioners of any county through which said road passes, shall have the right to re-appraise any damages which have been appraised under this act, if such board of county commissioners or a majority of them, shall find said appraisal too high; but the county commissioners of those counties through which said road passes, shall have no power or authority to vacate or alter said state road, and, *Provided further*, That such re-appraisal, if any be made, shall be made within sixty days after the report and plat of said road has been filed in the office of county auditors of those counties through which such road passes

SEC. 5. Any person deeming himself or herself aggrieved by such re-appraisals, if any have been made under the foregoing section, of his or her compensation, may appeal therefrom to the district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and filing in the office of the county auditor of said county a copy of said notice of appeal, with proof of service thereof, on the county attorney. The county auditor shall certify a copy of the appraisal appealed from to the district court within ten days after filing notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the re-appraisal in the office of county auditor.

Right of appeal

SEC. 6. All expenses incurred and all damages assessed in locating and surveying and establishing said road under the provisions of this act, shall be paid by the counties through which said road shall pass, according to the distance of said road located in said county respectively.

By whom ex-
penses to be
paid.

Expenses to be
audited.

SEC. 7. The county auditors of the counties of Sibley, McLeod and Renville aforesaid, are hereby authorized and required to issue the orders of their several counties in payment of such accounts and such damages as the said commissioners shall certify to be properly due from said several counties under the provisions of this act. *Provided*, That the orders for payment of costs of location and survey, and the orders for damages shall not be issued without the sanction and approval of the county commissioners. *Provided*, That no county through which said road shall be located shall be liable for the payment of any of the expenses or damages incurred therein, unless the county commissioners of such county shall first pass a resolution consenting to the location and opening of said road.

Stakes to be
set and plats
filed.

SEC. 8. Said commissioners shall cause a good and substantial stake to be set at each angle of said road, and shall cause a plat of the survey of said road, together with their assessment of damages, to be filed in the office of the county auditor in each county in which said road may run, and the filing of said plat and assessment of damages, shall be *prima facie* evidence of the correctness of the same, and of the legal existence of so much of said road as said plat represents.

When act to
take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CLX.

An Act to Locate a State Road from Spunk Lake in Stearns County, to Burnhamsville in Todd County, Minnesota.

February 27,
1872.

- SECTION 1.** Commissioners appointed to locate a state road.
2. Time of meeting of commissioners to discharge their duties.
 3. Surveyor and necessary help to be employed.
 4. Damages to be assessed and paid by the counties in which they occur.
 5. Expenses of locating road to be paid by the counties through which the road enters or passes:
 6. Plat of the road to be filed.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Henry Baker, Peter Rhinehart and H. Holding, are hereby constituted commissioners to locate and establish a state road from Spunk Lake in Stearns county to Burnhamsville in Todd county, Minnesota.

Commissioners
named to lay
out State road.

SEC. 2. Said commissioners shall meet at Spunk Lake on the second Monday in June A. D. 1872, and proceed to discharge the duties imposed upon them by the provisions of this act: *Provided*, that in the absence of any one of these commissioners, the other two shall have power to fill said vacancy, and the person so appointed shall have the same authority as by this act is conferred upon said commissioners.

Time of meet-
ing of commis-
sioners.

SEC. 3. Said commissioners are hereby empowered to employ one surveyor who shall be paid the sum allowed him by law as his compensation: said commissioners shall receive the same compensation as the surveyor, and one axman and two chainmen who shall each receive the sum of three dollars per day for their services.

Surveyor and
help to be em-
ployed.

SEC. 4. Any damages by laying out or opening said road, shall be assessed and determined by said commissioners, and shall be paid by the county in which such damages occur.

Damages paid
by counties in
which they
occur.

Expenses of locating road paid, by whom.

SEC. 5. The expenses of surveying, locating and establishing said road shall be paid by the counties through which said road shall enter or pass. The commissioners shall have power to apportion the amount to each of the said counties as in their judgment is just and equal, to defray said expenses: *Provided*, that no county through which said road shall be located shall be liable to pay any of the expenses or damages incurred in locating said road, unless the county commissioners of such county shall first pass a resolution consenting to the location of said road.

Plat of road to be filed.

SEC. 6. Said commissioners shall as soon as practicable file an accurate plat of said road in the office of the register of deeds in each county through which it may pass. Said plat shall be legal evidence of the location of said road.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER CLXI.

March 4, 1872. *An Act to Locate and Establish a State Road from the Borough of LeSueur in LeSueur County, to Rice County.*

SECTION 1. Commissioners named to lay out a state road.

2. Time of meeting of commissioners to discharge their duties.

3. Surveyor and necessary help to be employed.

4. Expenses of locating road to be paid by Le Sueur county.

5. Damages to be appraised, and releases for right of way to be filed; also plat of road to be filed.

6. Appeals from the appraisal may be made to the district court.

7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That E. R. Smith of LeSueur, in the county of LeSueur, in the state of Minnesota, John Wood of the town of Tyrone in said county and Denis Sheahan of the town of Derrynane in said county, are hereby appointed commissioners to survey, locate and establish a state road from the south east corner of section thirty six, in the borough of LeSueur, in the county of LeSueur aforesaid, running thence east as near as practicable on the town line between townships in range No. one hundred and twelve and one hundred and eleven north to Rice county in said state.

Commissioners
appointed to lo-
cate state road.

SEC. 2. That said commissioners shall meet at such time and place convenient to them as they may and proceed to discharge the duties imposed upon them by this act, and they shall give notice of the time and place of their meeting by publishing a notice thereof for two weeks in the LeSueur Courier; provided, that if either of said commissioners shall be unable to discharge the duties aforesaid, the others shall have the power to substitute some person to act in his place, and such action by such substitute shall have the same effect as if he were appointed commissioner by this act.

Time of meet-
ing of commis-
sioners.

SEC. 3. That said commissioners are hereby authorized to employ a surveyor, ax-man and chainmen, and it shall be their duty to cause said road to be accurately surveyed and platted and file the same in the office of the county auditor of LeSueur county, to assess the damages to the lands over which said road may pass or secure releases for the right of way for said road.

Surveyor and
help to be em-
ployed.

SEC. 4. That the expenses of viewing and locating said road, shall be paid by said LeSueur county; provided, that the said commissioners, ax-man and chainmen shall not receive more than two dollars per day each.

Expenses to be
paid by Le
Sueur county.

SEC. 5. The said commissioners shall, at the time of locating said road, appraise the damages or compensation to be paid to each person through whose land the same shall pass and for which they have not secured a release for the right of way for said road, and shall file in the office of the county auditor of said county all releases taken by them, and a statement of their said appraisals of damages for lands taken for said road, at the time when they shall file the survey and plat of the same in said auditor's office. Upon the filing of said survey plat, releases and appraisals in the office of said county auditor, the said road shall be deemed located and established, and said compensation or

Damages for
right of way to
be filed; also
plat of road.

damages shall be deemed secured, [and] the amount of such appraisal shall be paid by the said LeSueur county.

Appeals from
appraisal made
to district
court.

SEC. 6. That upon filing the appraisal of damages as aforesaid, the said commissioners shall notify any person to whom any damages may be awarded of the amount so awarded him, and any person deeming himself aggrieved by such appraisal of his compensation may appeal therefrom to the district court of the county of LeSueur, within thirty days after receiving notice of such appraisal by serving a notice of such appeal upon the county auditor of said county. The county auditor shall certify a copy of the appraisal appealed from to the district court of said county within ten days after serving the notice of appeal upon him.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CLXII.

March 4, 1872.

An Act to Locate, Survey and Establish a State road from Princeton in Mille Lacs County, to Brunswick in Kanabec County.

SECTION 1. Commissioners named to locate a state road.

2. Time of meeting of commissioners.

3. Per diem of commissioners, and authority to employ a surveyor and other necessary help.

4. Expenses of location to be paid by the counties in proportion to the length in each county.

5. Damages to be appraised, and right of appeal to county commissioners.

6. Plat to be filed and damages provided for before road shall be declared established.

7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That H. M. Atkins, J. L. Cater and Phineas Gates, are hereby appointed commissioners to locate, survey and establish a state road from Princeton in Mille Lacs county, to Brunswick in Kanabec county.

Commissioners
to locate state
road.

SEC. 2. The commissioners shall meet in Princeton, on any day subsequent to the passage of this act, that may be agreed on by them, or a majority of them, and proceed to discharge their duties under this act and if any of said commissioners, appointed under this act shall be unable for any cause to perform the duties imposed by this act, he shall have power to appoint a substitute, who shall have the same power when so appointed, as one of the commissioners named in this act.

Time of meet-
ing.

SEC. 3. Said commissioners shall be entitled to receive four dollars per day for their services, and are hereby authorized to employ in locating said road two chainmen, one ax-man, and one surveyor, which chainmen and ax-man shall be entitled to receive not more than two dollars, and the surveyor not more than four dollars per day for their services rendered by virtue of this act.

Pay and au-
thority to em-
ploy help.

SEC. 4. The expense of locating said road, shall be paid by the counties in which said road may pass in proportion to the distance it may run in each county.

Expenses of lo-
cating road
paid by whom.

SEC. 5. It shall be the duty of such commissioners to appraise the damages sustained by each owner of land through which said road may pass, and in case any one shall find himself aggrieved by such appraisal, he may appeal to the county commissioners of the proper county, at any time within thirty days after such appraisal, and the said county commissioners shall at their next annual meeting hear and determine such appeal and decide the same as they shall deem just.

Damages ap-
praised and ap-
peal to county
commissioners

SEC. 6. Said commissioners shall on or before the first day of December 1872, file an accurate and certified plat of said road in the office of the county auditor, in each county in which said road may run, and thereafter, and after the county commissioners of such county through which said state road may extend, have provided for the payment of the damages awarded to the owners of the land through which said road shall pass, said road shall be deemed established.

Plat to be filed
and damages
provided for.

SEC. 7. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 4, 1872.

CHAPTER CLXIII.

March 4, 1872. *An Act to Authorize the Location and Establishment of a State Road from Rockford, in Wright County, via Delano, to Watertown, in Carver County.*

- SECTION 1. Commissioners named to locate a state road.
2. Meeting of commissioners to enter upon their duties.
 3. Surveyor and reasonable expense to be paid from the counties through which the road passes.
 4. Stakes to be set and plat of the road filed.
 5. The making and filing of plat to be evidence of location of road.
 6. Damages to be appraised, and right of appeal to county commissioners.
 7. A majority of commissioners named authorized to perform the duties herein prescribed.
 8. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners
to locate state
road

SECTION 1. That G. D. George, R. W. Currier, J. F. Powers, S. B. Kohler and J. K. Cullen, are hereby appointed commissioners to locate, survey and establish a state road from the village of Rockford, in Wright county, via Delano, to Watertown, in the county of Carver.

Meeting of
commissioners

SEC. 2. It shall be the duty of said commissioners to meet at Delano on or before the first day of June, A. D. 1872, and there make oath that they will faithfully discharge their duties as provided by this act, and impartially assess damages if any they find to be sustained by the owners of land through which the said road may pass, which oath shall be subscribed by each of said commissioners and deposited with the person before whom said oath was taken.

Expenses of
surveyor &c.,
paid by whom.

SEC. 3. The said commissioners are hereby authorized to employ one competent surveyor to assist in the location and survey of said road, and all reasonable expense incurred by them in the discharge of their duties under this act, shall be paid by the several counties through which said road may pass, in proportion to the length of said road lying in said counties respectively, except as to the expense of laying out and opening that portion of said road which may be located

in Hennepin county, which shall be paid by the towns of Rockford and Franklin, in Wright county.

SEC. 4. The said commissioners shall cause a substantial stake, properly marked, to be set at each end and at each angle of said road, and on or before the first day of July next, they shall cause accurate plats of said road to be filed in the office of the register of deeds in each county through which the same may pass.

Stakes set and plat of road to be filed.

SEC. 5. The making and filing of the plats of the survey of said road in the manner prescribed in section four of this act shall be sufficient to establish said road, without making any other order or instrument whatever, and a certified copy of said plat, under the hand and official seal of the proper register of deeds, shall be sufficient evidence of the location and establishment of said road in all courts of this state.

Making and filing plat evidence of location.

SEC. 6. It shall be the duty of said commissioners to appraise the damages sustained by each owner of land through which said road shall pass, and if any person shall feel aggrieved by such appraisal he may appeal to the county commissioners of the county in which such lands are situated, within thirty days after actual notice of said appraisal, and the said commissioners shall, at their next regular meeting, hear and determine said appeal as they may deem just.

Damages assessed and appealed to whom

SEC. 7. A majority of the commissioners named in this act shall have full power and authority to perform the duties herein prescribed and the acts of such majority shall be deemed the acts of the whole.

Majority of commissioners may perform these duties.

SEC. 8. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 4, 1872.

CHAPTER CLXIV.

March 4, 1872. *An Act to Establish a State Road from Faxon, in Sibley County, to Belle Plaine, in Scott County, and from there to a Junction with the Faxon and Glencoe State Road.*

- SECTION 1. Commissioners named to locate a state road.
2. Meeting of commissioners to enter upon their duties.
 3. Surveyor, axman and chainman to be employed, and compensation.
 4. Damages to be assessed, and paid by the county in which the land lies.
 5. Plat of the road to be filed, and report of proceedings to be made.
 6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners
to locate state
road.

SECTION 1. That William Henry, Jacob Frankenfield and William Murphy are hereby appointed commissioners to locate and establish a state road from the village of Faxon, in Sibley county, to the borough of Belle Plaine, in Scott county, and from there to a junction with the Faxon and Glencoe state road, not more than one mile from Washington Lake.

Meeting of
commissioners

SEC. 2. Said commissioners, or a majority of them, shall, on any day subsequent to the passage of this act, and prior to the first day of May, A. D. 1872, meet at Faxon and proceed to discharge the duties imposed by this act. Should any of said commissioners, after due notice has been given, be unable or refuse to attend and meet at said place, the balance of said commissioners are hereby authorized and empowered to substitute to fill vacancy.

Surveyor, &c.,
employed.

SEC. 3. Said commissioners are hereby authorized to employ one surveyor, one axman and one chainman. *Provided*, Said commissioners shall receive three dollars per day for their services, the chainman and axman shall not receive more than two dollars per day, nor the surveyor more than five dollars per day for their services, which compensation shall be paid by the respective counties through which said road shall pass.

SEC. 4. The damages sustained by any owner or owners of land over which said road shall run, may be determined by agreement between said commissioners and the owner or owners of such land claiming damages, and if not so determined and released by such owner or owners, shall be assessed by said commissioners and shall be paid by the county in which the land lies, and any person feeling aggrieved by any such assessment may appeal therefrom to the district court at any time within one month after filing their report of said assessment as hereinafter provided.

Damages—paid
by whom.

SEC. 5. The said commissioners shall, on or before the first day of June next, make or cause to be made, and file in the office of the auditor of each of the counties through which the said road shall be located, a plat of said road lying within said county, describing that portion of said road by place of beginning, courses and distances, and point of termination, which said plat shall be certified by the commissioners or a majority of them to be correct, and they shall also make and file therewith, on or before the date last aforesaid, a report of the damages assessed by them, or determined by agreement as provided in section four of this act, sustained by the owner of any lands in said county over which said road shall be located by means of the location of said road thereupon, together with any and all means of damages for lands in such county, which said report shall be subscribed by said commissioners or a majority of them, and upon the filing of such report and plat, so much of said road as is included in said plat shall be deemed to be located and established as therein described and a public highway, and shall thereafter be improved and repaired by the counties and towns in which it is located.

Plat of road to
be filed.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 4, 1872.

CHAPTER CLXV.

February 29,
1872.

An Act to authorize the County Commissioners of Sibley County to Survey and Locate certain Roads in said County.

- SECTION 1. Authorizes the county commissioners to locate the state and county roads not on record.
2. Authorizes a board of road commissioners to be appointed from their own number.
 3. Meeting of road commissioners to perform their duties.
 4. Surveyor and other necessary help to be employed, with compensation.
 5. Damages, how assessed, and appeals therefrom.
 6. Plats and reports of said roads to be filed and recorded.
 7. Expenses and damages to be paid by the county.
 8. All roads not on record to be declared vacated.
 9. Roads located under this act not to be altered by town supervisors.
 10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners
to locate roads.

SECTION 1. The county commissioners of Sibley county, or a majority of them, shall have the right and authority to survey and locate all the roads in Sibley county known as state and county roads, which are now used as public highways, and which are not on record in the book of road records in the office of county auditor in said county, and at their next meeting said county commissioners, or a majority of them, shall order such road or roads to be surveyed and located which are not on record in said book of road records, and which they deem necessary as public highways.

Road commis-
sioners how ap-
pointed.

SEC. 2. Said county commissioners, or a majority of them, shall, at their next meeting, appoint two of their number, who, together with the chairman of said board of commissioners, shall constitute a board of road commissioners, whose duty it shall be to survey and locate such road or roads as the board of county commissioners may order to be surveyed and located.

SEC. 3. Said road commissioners, or a majority of them, shall meet at Henderson, in said county of Sibley, on the first Tuesday in April next, and proceed to perform the duties imposed under this act. *Provided*, That in the survey and location of any and all roads made under this act, said road commissioners shall survey and locate such new road or roads, as near as practicable, on the same line as said road or roads have been surveyed or located before; and if any member of the board, from any cause, is unable to perform the duties imposed upon him under this act, then the others shall have power to appoint one of the other two county commissioners to act in his place, and the commissioner so appointed shall have the same power and authority as if appointed under section 2 of this act.

Meeting of
commissioners

SEC. 4. Said road commissioners shall have the power to employ one surveyor, two chainmen, one axman, one flagman, and such other help, including teams, as they may deem necessary, and shall pay them such compensation as they may agree upon, except the surveyor, who shall receive five dollars per day; and the commissioners shall receive three dollars per day for services performed under this act.

Surveyor, &c.,
employed.

SEC. 5. The said road commissioners, or a majority of them, shall, at the time of surveying and locating said road or roads, assess the damages and obtain releases from owners of lands through which said road or roads pass, if such releases have not been obtained before, and any person deeming himself or herself aggrieved by such appraisals of his or her compensation for damages, may appeal therefrom to the district court of said county, by serving a notice of such appeal upon the county attorney of said county, and filing in the office of the county auditor of said county a copy of said notice of appeal, with proof of service thereof on the county attorney. The county auditor shall certify a copy of the appraisal appealed from to the district court, within ten days after filing the notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

Damages—how
assessed and
appeals.

SEC. 6. The said road commissioners shall cause a substantial stake to be set at each angle of said road or roads, and cause plats and reports of said or roads so surveyed and located to be recorded in said book of road records, and a list of assessments of damages to be filed in the office of county auditor of said county; and said plats and assessments of damages, certified to by said road commissioners, or by a majority of them, shall be *prima facie* evidence of the correctness and legal existence of any and all roads so surveyed and located under this act.

Plats of road to
be filed.

Expenses and
damages how
paid.

SEC. 7. All expenses incurred and all damages assessed under this act shall be paid by said county of Sibley. *Provided*, That said amounts must be certified by said board of road commissioners, or a majority of them, before they can be paid.

Roads not re-
corded declared
vacated.

SEC. 8. All roads used as highways in the county of Sibley, and known as state or county roads, which are not on record in the book of road records, and which have not been ordered by said board of county commissioners to be surveyed and located under this act, shall be and are hereby declared vacated, and no more road labor or public money shall be expended on such highways.

Roads not to
be altered.

SEC. 9. The road or roads surveyed and located under this act, of which the plats and reports have been filed and recorded, and on which the damages have been paid, shall not be altered or vacated by any board of town supervisors, nor shall the board of county commissioners have any power or authority to vacate or alter any part of said road or roads, unless petitioned for by a majority of all the legal voters in all the towns through which said road or roads run.

When act to
take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CLXVI.

An Act to Appropriate Money to Build a Bridge across the Long Prairie River, in Section number twenty-one, Town one hundred and twenty-eight, Range thirty-seven, in Douglas County.

March 1, 1872.

SECTION 1. Appropriation out of the internal improvement fund for a bridge.

2. Bridge to be built under the direction of the county commissioners.
3. Committee named to view the bridge and to audit accounts.
4. The state auditor to draw warrants for the amounts so audited.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, to build a substantial bridge across the Long Prairie river, upon the state road, on section 21, in township 12S, of range 37, in the county of Douglas, and said bridge, when erected, shall be kept in repair by said county, and shall be forever free from tolls.

Appropriation
for bridge:

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said county of Douglas, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

Built under di-
rection county
commissioners

SEC. 3. That James H. Vandyke, James F. Dicken and Thomas W. Sprage, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction, and the cost thereof, and to ascertain and fix the cost of building said bridge, and make a report of such cost to the state auditor. Any two of said committee may act in the premises, and in case two of said committee cannot be found to act, the county auditor of Douglas county

Committee to
view bridge, &c

shall notify the governor of the state of such fact, who shall, by appointment, fill any vacancy that may exist in said committee.

State auditor to
draw warrants.

SEC. 4. That upon the receipt of said report by the state auditor he shall, upon demand of the county treasurer of said county of Douglas, draw his order or orders in favor of said county treasurer, on the state treasurer, for moneys belonging to said fund, for the cost of said bridge, as reported by said committee, in case the sum does not exceed the sum of eight hundred dollars, (any sum over that amount shall be paid by the said county of Douglas;) and the state treasurer shall pay over such moneys to the county treasurer of said county of Douglas, upon said order, and such moneys shall be distributed by said county treasurer, upon the orders of said board of county commissioners, in payment of the cost of said bridge.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CLXVII.

February 1,
1872.

An Act to Appropriate Money to aid the County of Watonwan in the Construction of a Bridge across the Watonwan River, in the Town of Madelia in said County.

- SECTION 1. Appropriation out of the internal improvement fund for a bridge.
2. Bridge to be built under the direction of the county commissioners.
 3. Committee named to view the bridge and to audit accounts.
 4. The state auditor to draw warrants for the amounts so audited.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of eight hundred (800) dollars

or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the state treasury belonging to said fund not already appropriated, for building a substantial bridge across the Watonwan river, in the town of Madelia, Watonwan county, at a point where the lower bridge was built across said river in said town, or between said point and Goldin and Danforth's Mill. Said bridge, when erected, shall be kept in repair by said county of Watonwan and be forever free from tolls.

Appropriation
for bridge.

SEC. 2. That the said bridge shall be built under the direction of the board of county commissioners of said Watonwan county, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

Built under di-
rection county
commissioners

SEC. 3. That Christian Teigum, H. Morrell and Seth Trobridge, are hereby appointed a committee on the part of the state to view said bridge when completed, and shall examine all contracts, vouchers and accounts, respecting its construction and the cost thereof, and ascertain, compute and fix upon the cost of building said bridge, and make a report of such cost to the state auditor. Any two of said committee may act in the premises.

Committee to
view bridge.

SEC. 4. That upon the receipt of said report by the state auditor, he shall, upon the demand of the treasurer of said Watonwan county, draw his order or orders in favor of said county treasurer, on the state treasurer, for the moneys belonging to said internal improvement fund, to the amount of the cost of said bridge as reported by said committee, and the state treasurer shall pay over such moneys to said county treasurer upon said orders, and said moneys shall be disbursed by said board of county commissioners to pay off the cost of the construction of said bridge: *Provided*, that if the cost of said bridge shall exceed the sum of one thousand dollars hereinbefore appropriated, the county commissioners of said Watonwan county shall set apart and appropriate such further sum or sums of money out of the county treasury of said Watonwan county, as may be necessary to complete and finish said bridge.

State auditor to
draw warrants.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 1, 1872.

CHAPTER CLXVIII.

March 1, 1872. *An Act to appropriate money to aid the County of Yellow Medicine in the Construction of a Bridge across the Yellow Medicine River, at Yellow Medicine City, in said County.*

- SECTION 1. Appropriation out of the internal improvement fund for a bridge.
2. Bridge to be built under the direction of the county commissioners.
 3. Committee named to view the bridge and to audit accounts.
 4. The state auditor to draw warrants for the amounts so audited.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for bridge.

SECTION 1. That the sum of fifteen hundred (1,500) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury, belonging to said fund not already appropriated, for the building of a substantial bridge across Yellow Medicine river at Yellow Medicine City, the county seat of said county; said bridge, when erected, shall be kept in repair by the town of Yellow Medicine, and be forever free from tolls.

Built under di-
rection county
commissioners

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said Yellow Medicine county, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

Committee to
view bridge, &c

SEC. 3. That Joseph Fortier, Lewis Burdewick and Ole Dahly, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction, and the cost thereof, and to ascertain, [compute,] complete, and fix upon the cost of building said bridge and make a report of such cost to the state auditor. Any two of said committee may act in the premises.

SEC. 4. That upon receipt of said report by the state auditor, he shall upon demand of the treasurer of said Yellow Medicine county, draw his order or orders in favor of said county treasurer, on the state treasurer for moneys belonging to said funds, to the amount of the cost of said bridge as reported by said committee, in case the entire cost shall not exceed five thousand (5,000) dollars, and the state treasurer shall pay over such moneys to said county treasurer upon said orders, and such moneys shall be disbursed by said county treasurer upon the orders of said board of county commissioners to pay off the costs of the construction of said bridge.

State auditor to
draw warrants.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to
take effect

Approved March 1, 1872.

CHAPTER CLXIX.

An Act to Appropriate Money to build a Bridge across Red River at Fergus Falls in the County of Otter Tail.

February 26,
1872.

- SECTION 1. Appropriation out of the internal improvement fund for a bridge.
2. Bridge to be built under the direction of the county commissioners.
 3. Committee named to view the bridge and to audit accounts.
 4. The state auditor to draw warrants for the amounts so audited.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury belonging to the internal improvement fund, or out of the first moneys which shall

Appropriation
for bridge.

come into the treasury belonging to said fund, to build a substantial bridge across Red River, upon the state road, at or near the village of Fergus Falls in the county of Otter Tail, and said bridge, when erected, shall be kept in repair by said town of Fergus Falls and be forever free from tolls.

Built under direction county commissioners SEC. 2. This bridge shall be built under direction of the board of county commissioners of said county of Otter Tail, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

Committee to view bridge. SEC. 3. That Jacob Austin, George F. Cowing, Sam. H. Nichols, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts, respecting its construction and the cost thereof, and to ascertain and fix the cost of building said bridge and make a report of such cost to the state auditor. Any two of said committee may act in the premises, and in case any two of said committee cannot be found to act, the county auditor of said county of Otter Tail, shall notify the governor of the state of Minnesota of such fact, who shall by appointment, fill any vacancy that may exist in said committee.

State auditor to draw warrants. SEC. 4. That upon the receipt of said report by the state auditor, he shall, upon demand of the county treasurer for moneys belonging to said funds for the cost of said bridge as reported by said committee, in case the same does not exceed the sum of five hundred dollars, and the state treasurer shall pay over such moneys to the county treasurer of said Otter Tail county upon said order, and such moneys shall be distributed by said county treasurer upon the orders of said board of county commissioners, in payment of the cost of said bridge.

When act to take effect. SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872

CHAPTER CLXX.

*An Act to Appropriate Money to Build a Bridge Across
Little Elk River at its Mouth, in the County of Mor-
rison.*

February 29,
1872.

SECTION 1. Appropriation out of the internal improvement fund for a bridge.

2 Bridge to be built under the direction of the county commissioners.

3. Committee named to view the bridge and to audit accounts.

4. The state auditor to draw warrants for the amounts so audited.

5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of five hundred dollars or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, to build a substantial bridge across Little Elk River, upon the county road, near its mouth, in the county of Morrison; and said bridge, when erected, shall be kept in repair by said county and be forever free from tolls.

Appropriation
for bridge.

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said county of Morrison, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

Built under di-
rection county
commissioners

SEC. 3. That Charles Stuart, George T. Rice and Samuel Lee, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction and the cost thereof, and to ascertain and fix the cost of building said bridge, and make a report of such cost to the state auditor. Any two of said committee may act in the premises, and in case two of said committee cannot be found to act, the county auditor of Morrison county shall notify the governor of the state of such fact, who shall, by appointment, fill any vacancy that may exist in said committee.

Committee to
view bridge, &c

State auditor to
draw warrants.

SEC. 4. That upon receipt of said report by the state auditor he shall, upon the demand of the county treasurer of said county of Morrison, draw his order or orders in favor of said county treasurer on the state treasurer for moneys belonging to said fund for the cost of said bridge as reported by said committee in case the sum does not exceed the sum of five hundred dollars; (any sum over that amount shall be paid by the county of Morrison), and the state treasurer shall pay over such moneys to the county treasurer of said Morrison county upon said order, and such moneys shall be disbursed by said county treasurer upon the orders of said board of county commissioners in payment of the cost of said bridge.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CLXXI.

February 29,
1872.

An Act to Appropriate Money to Build a Bridge across the Pommedeterre River, in the County of Stevens.

- SECTION 1. Appropriation out of the internal improvement fund for a bridge.
- 2 Bridge to be built under the direction of the county commissioners.
 3. Committee named to view the bridge and to audit accounts.
 4. The state auditor to draw warrants for the amounts so audited.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for bridge.

SECTION 1. That the sum of one thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury belonging to the internal improvement fund, or out of the first money that may come into the treasury belonging to said fund not other-

wise appropriated, to build a substantial bridge across Pommedeterre River, at or near a point where the Lake Osakis and Morris state road crosses said river in Stevens county, and said bridge, when completed, shall be kept in repair by said county and shall be forever free from toll.

SEC. 2. Said bridge shall be built under the direction of the board of county commissioners of the county of Stevens, and no part of said appropriation shall be paid out of the state treasury until said bridge is completed and ready for travel.

Built under direction county commissioners

SEC. 3. That the governor shall appoint three persons, citizens of Stevens county, as a committee on the part of the state, to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction and the cost thereof, and fix the cost of said bridge and make a report of such cost to the state auditor.

Committee to view bridge.

SEC. 4. That upon the receipt of said report by the state auditor he shall draw his order in favor of said county of Stevens on the state treasurer for any money belonging to the internal improvement fund for the cost of said bridge, not to exceed one thousand dollars; the state treasurer shall pay over such money to the county treasurer of Stevens county upon said order or orders and such money shall be paid out by the county treasurer upon the order of the board of county commissioners in payment of the cost of said bridge.

State auditor to draw warrants.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER CLXXII.

March 1, 1872.

An act to Appropriate Money to Build a Bridge across the Chippewa River at Montevideo, in the County of Chippewa.

- SECTION 1. Appropriation out of the internal improvement fund for a bridge.
2. Bridge to be built under the direction of the county commissioners.
 3. Committee named to view the bridge and to audit accounts.
 4. The state auditor to draw warrants for the amounts so audited.
 5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for bridge.

SECTION 1. That the sum of one thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, to build a substantial bridge across the Chippewa River at Montevideo, in Chippewa county, and said bridge, when erected, shall be kept in repair by said county and be forever free from toll.

Built under di-
rection county
commissioners

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said county of Chippewa, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be complete and ready for travel.

Committee to
view bridge, &c

SEC. 3. That are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction and the cost thereof, and to ascertain and fix the cost of building said bridge, and make a report of such cost to the state auditor. Any two of said committee may act in the premises, and in case two of said committee cannot be found to act, the county auditor of Chippewa county shall notify the governor of the state of such fact, who shall, by appointment, fill any vacancies that may exist in said committee.

SEC. 4. That upon receipt of said report by the state

auditor, he shall, upon demand of the county treasurer of said county of Chippewa, draw his order or orders in favor of said county treasurer on the state treasurer for moneys belonging to said fund, for the cost of said bridge as reported by said committee, in case the sum does not exceed the sum of three thousand dollars, and the state treasurer shall pay over such moneys to the county treasurer of said county of Chippewa upon said order, and such moneys shall be distributed by said county treasurer upon the orders of said board of county commissioners in payment of the cost of said bridge.

State auditor to
draw warrants.

Sec. 5. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 1, 1872.

CHAPTER CLXXIII.

An Act to appropriate money to aid the County of Martin in the construction of a Bridge across the out-let at Tenhassen, in said county.

February 20,
1872.

SECTION 1. Appropriation out of the internal improvement fund for a bridge.

2. Bridge to be built under the direction of the county commissioners.
3. Committee named to view the bridge and to audit accounts.
4. The state auditor to draw warrants for the amounts so audited.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of five hundred [500] dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury belonging to the in-

Appropriation
for bridge.

ternal improvement fund, or out of the first moneys which shall come into the treasury, belonging to said fund, not already appropriated, for the building of a substantial bridge across what is known as the out-let at Tenhassen, in Martin county, on the stage road running between Winnebago City and the town of Tenhassen, aforesaid. Said bridge, when completed, shall be kept in repair by the said county of Martin, and be forever free from tolls.

Built under direction county commissioners

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said Martin county, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

Committee to view bridge.

SEC. 3. That the governor shall appoint three suitable persons, residents of said county of Martin, on the part of the state, to view said bridge, when completed, and examine all contracts, vouchers and accounts, respecting the construction and the cost thereof, and to ascertain, compute, and fix upon the cost of building said bridge, and make a report of such cost to the state auditor. Any two of said persons may act in the premises and their action shall be as valid as if all three had acted.

State auditor to draw warrants.

SEC. 4. That upon the receipt of the report aforesaid by the state auditor, he shall, upon the demand of the treasurer of said county of Martin, draw his order or orders in favor of said county treasurer, on the state treasurer, for moneys belonging to said fund, to the amount of the cost of said bridge as reported by the persons, or a majority of them, to be appointed by the governor as aforesaid, in case the entire cost shall not exceed five hundred [500] dollars, and the state treasurer shall pay over such moneys to the said county treasurer, upon said order or orders; and such moneys shall be disbursed by said county treasurer upon the orders of said board of county commissioners, to pay off the costs of the construction of said bridge.

When act to take effect.

SEC. 5. This act shall take effect from and after its passage.

Approved February 29, 1872.

CHAPTER CLXXIV.

An Act to Authorize the Clerk of the District Court, 2d Judicial District, to Rebind and Transcribe Certain Records in his Office. February 28,
1872.

- SECTION 1. Clerk of court authorized to transcribe certain records.
2. Payment of services to be agreed upon.
 3. Services to be paid by the county.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The clerk of the district court in and for the county of Ramsey, 2d judicial district, is hereby authorized to procure such books and index books at the expense of the county of Ramsey, as may be necessary, and transcribe therein all judgments entered and docketed in lien dockets number one (1), two (2) and three (3), in his said office, and that said transcript of dockets, so made, shall be legalized and be of the same force and like effect as the originals themselves.

Clerk of court
authorized to
transcribe cer-
tain records.

SEC. 2. The clerk of the district court of said county shall be allowed for such services as may agreed upon by the county commissioners of said county and said district clerk.

Payment of ser-
vices to be
agreed upon.

SEC. 3. All services authorized to be paid by this act shall be paid out of the treasury of Ramsey county.

Services paid
by county.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 28, 1872.

CHAPTER CLXXV.

February 27,
1872.

An Act Regulating the Payment of Delinquent Taxes in the County of Yellow Medicine.

SECTION 1. Relates to the payment of delinquent taxes.

2. Enforcement of payment.

3. Duties of the county auditor of Redwood county.

4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Payment of delinquent taxes.

SECTION 1. That all taxes heretofore assessed on real and personal property within the limits of Yellow Medicine county, as the boundaries thereof were established by section 1, of chapter XCVIII, of the general laws of 1871, and now delinquent, or which may hereafter become delinquent, shall be paid to the treasurer of that county.

Enforcement of payment.

SEC. 2. That the collection and payment of such delinquent taxes shall be enforced by like proceedings and in the same manner as if the said county had been created and fully organized at the time said taxes were assessed.

Duties of county auditor.

SEC. 3. The county auditor of the county of Redwood shall, within thirty days from the passage of this act, make out a full list of such delinquent taxes and a description of the real property on which the same were assessed, giving a fair transcript of his books so far as they relate to such particulars, and deliver the same, duly certified, to the auditor of Yellow Medicine county on demand.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER CLXXVI.

An Act to Enable the County Commissioners of Ramsey County to Lay Out Certain Avenues and to Regulate their Proceedings Therein. March 5, 1872.

- SECTION 1.** Authorizes the opening of avenues when.
2. Commissioners to be appointed and damages assessed.
 3. Personal notice to be given to parties interested.
 4. Meeting of commissioners.
 5. Relating to damages and benefits.
 6. Fees, costs and damages to be assessed upon the party benefited.
 7. Report of proceedings to be made.
 8. Notice of confirmation of report.
 9. Report when approved to be filed, and right of appeal.
 10. Determination of appeal.
 11. Assessments when collected.
 12. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That whenever the owners of more than one-half the frontage along any section or quarter section line leading from the corporate limits of the city of Saint Paul or any of the additions thereto, shall petition the board of county commissioners of Ramsey county in writing, with the names of such owners signed thereto, to open, lay out and establish an avenue as a public highway, not less than eighty nor more than one hundred feet in width, along such section or quarter section line, said board of county commissioners shall thereupon cause such avenue to be surveyed and dedicated as a public highway and shall proceed to open the same in accordance with the following provisions.

Opening avenues when.

SEC. 2. That immediately upon the presentation of said petition said board of county commissioners shall appoint three disinterested free-holders, residents of said county, whose appointment shall be approved by the judge of the district court of said county, commissioners to assess the damages which will arise to the owners of any of the land and property taken for the purpose of said avenue, and to

Commissioners appointed, &c.

assess the benefit which will accrue to the owners of any property along the line of said avenue from the opening of the same. Before entering upon their duties said commissioners shall severally take and subscribe an oath faithfully and impartially to discharge the duties of their appointment, and shall receive a compensation of five dollars each for each day actually employed in the discharge of their said duties.

Notice to parties interested.

SEC. 3. Said commissioners shall give at least five days personal notice to each of the resident owners of land proposed to be taken or taxed for said avenue, which notice shall be served in the same manner as a summons in a civil action, and shall also cause such notice to be published in some paper in general circulation in said county at least once a week for three weeks in succession prior to the first meeting of said commissioners to assess damages and benefits. Said notice shall specify the time and place of said first meeting and contain a general description of the lands and premises proposed to be taken and proposed to be taxed for the opening of said street or avenue as aforesaid, and the names of the owners thereof as far as known to said commissioners.

Meeting of commissioners

SEC. 4. The commissioners shall meet at the time and place mentioned in the notice and proceed to examine the entire line of said avenue as far as the same is described in said notice, and all the lands, property and real estate which will be taken, damaged or benefited by or for the purposes of opening said avenue, and after hearing the allegations and testimony of all parties who present themselves, shall determine and appraise to each of the owners of any of said land and property described in said notice, the damage arising to such party from the condemnation of any part thereof, after making due allowances therefrom for any benefits that may arise to said owners respectively from such improvement.

Damages and benefits.

SEC. 5. If the damage to any person be greater than the benefit received, or the benefit greater than the damage, the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment shall show the amount to be received or paid by each owner, and said difference only shall be collected or paid by such owner.

Fees costs, &c. upon whom assessed.

SEC. 6. After having ascertained the whole amount of the damages which will result from making said improvement after deducting the benefits which will arise, if any, to the parties so injured, said commissioners shall ascertain the expenses of said improvement, and the costs of all the proceedings therefor, including their own fees, and shall

assess the whole amount thereof upon the real estate fronting upon said avenue deemed by them to be benefited by the opening thereof in proportion to the benefits resulting thereto in their judgment.

SEC. 7. After making said assessment as provided in the section last preceding, said commissioners shall make a full report of their doings in the premises, giving therein a description of the property assessed, [the amount thereon assessed], the name of the owner, together with a description of the property taken for said improvement, the damages or benefits awarded for the taking thereof and the name of the owner of the same, and shall file the said report within two weeks of the completion of said assessment in the office of the county auditor of said county, and shall thereupon give the like notice of the filing of their report as of their first meeting to assess damages and benefits, with a notice that they will apply for a confirmation of said report at a time and place therein stated to the county commissioners of said county.

Report of proceedings to be made.

SEC. 8. At the time and place mentioned in the notice provided for in section seven, all persons and parties interested may appear before said commissioners of Ramsey county and be heard with reference to the amount of the damages or benefits, or assessments made by said commissioners in said report, and after hearing the same said board of commissioners of Ramsey county may approve or amend and approve or reject said report.

Notice of confirmation of report.

SEC. 9. In case said report is approved the same shall be immediately filed in the clerk's office of the district court of Ramsey county, together with copies of the notice hereinbefore required and proof of the service and publication of the same, and any party feeling himself aggrieved by said report may appeal to said district court within three months from the filing thereof therein.

Report when approved to be filed, &c.

SEC. 10. Said appeal so taken shall be tried as other appeal cases are tried, but the only question to be determined upon such appeal shall be the amount of damages, benefits or assessments made by said commissioners in their report to said party appealing, and upon the determination of said appeal and the payment to the party designated by said court of the amount adjudged to be paid, if any; or if no appeal is taken, upon the expiration of three months from the filing of said report in said clerk's office, and the payment of the damages, if any, awarded to any party in and by said report, the easement of a public street or common highway shall be deemed to be vested in said county

Determination of appeal.

of Ramsey over, across and upon the land so taken as hereinbefore provided, for said improvement.

Assessments
when collected

SEC. 11. After the expiration of three months from the filing of said report in the clerk's office, if no appeal is taken, or upon the decree or judgment of said court affirming said assessment, the amount of the assessment made as hereinbefore provided shall be collected by said county in the same manner, and said county of Ramsey and the officers thereof are hereby vested with the same powers and authorized to pursue the same means for the collection of said assessments in every respect, as are provided for the collection of the state, county or town taxes by said county in said state.

When act to
take effect.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 5, 1872.

CHAPTER CLXXVII.

March 4, 1872. *An Act to establish a Court of Common Pleas in the County of Hennepin.*

SECTION 1. Establishment of common pleas court in Hennepin county.

2. Seal of court and place of holding court.
3. Process how tested.
4. Recognizance, &c., how returned.
5. Appeals how taken.
6. Prosecuting attorney for the county.
7. Duties of the sheriff.
8. Duties of the county commissioners.
9. Changes of venue.
10. Removal of causes to supreme court.
11. Terms of court.
12. Relating to county attorney.
13. Salary of judge, term of office and election.
14. Vacancy in the office.
15. The governor to appoint a judge until the first election.
16. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That there is hereby established in the county of Hennepin, a court which is hereby constituted a court of record, by the name of the court of Common Pleas of the county of Hennepin, which shall have equal and concurrent jurisdiction with the district court of the fourth judicial district in all cases whatsoever arising or triable in said county of Hennepin. Said court and the judge and clerk thereof, shall have the like jurisdiction, authority and power in all proceedings therein, and perform the same duties as the said district court and the judge and clerk thereof, except as limited by this act.

Common pleas court.

SEC. 2. Said court of common pleas shall have a seal, to be provided by the county of Hennepin, and said court shall be held in such places as shall be provided by said county, and the expenses thereof, except as provided by law, shall be paid by said county.

Seal of court, &c.

SEC. 3. All process of said court shall be tested in the name of the judge thereof.

Process how tested.

SEC. 4. All recognizances taken before any judge, justice or magistrate, in said county, in criminal cases, may be made returnable to said court of common pleas, and it shall be the duty of the officer taking the same, to return all the papers in said criminal cases to the court to which they are returned, and all fines, penalties, and forfeitures had or taken in any such criminal proceedings shall, when collected, be paid over to the treasurer of Hennepin county, to and for the use of said county.

Recognizances, &c., how returned.

SEC. 5. All appeals from the judgments of justices of the peace within said county shall be taken to the said court of common pleas, or to the district court, and like proceedings had thereon as is now provided by law in similar cases in the district court, with like power of removal by appeal or otherwise to the supreme court of the state.

Appeals how taken.

SEC. 6. The county attorney of Hennepin county shall be the prosecuting attorney of said court, and all laws now in force regulating and defining the duties of prosecuting attorneys in the district courts of the state shall be of like force and application to the said court of common pleas.

Prosecuting attorney.

SEC. 7. The sheriff of the county of Hennepin shall perform the same duties and have the same powers, and be liable to the same penalties in the said court as in the district court of said county; and the clerk of the district court of the fourth judicial district in and for the county of Hennepin, shall be the clerk of said court; and the said sheriff

Duties of sheriff.

and clerk shall be respectively entitled to the like fees in all civil and criminal cases as are now allowed by law for similar services.

Duties of county commissioners.

SEC. 8. The county commissioners of the county of Hennepin, shall, within sixty days after the passage of this act, and at their annual meeting in January in each year thereafter, select from the qualified electors of the county of Hennepin, fifty persons properly qualified, to serve as grand jurors, and one hundred and fifty persons properly qualified to serve as petit jurors, and shall return the same properly certified in the manner provided by law for the drawing grand and petit jurors for the district court, to the clerk of said court of common pleas, who shall keep a record of the same, and from such list the grand and petit jurors of said court shall be drawn, and summoned in the same manner and a like time before the term of said court as is provided by law for drawing and summoning grand and petit jurors for the district court, all laws in relation to re-listing, drawing and summoning grand and petit jurors for district courts, and in relation to their compensation, powers, authority, duties and proceedings, shall, as far as applicable, apply to jurors in said court of common pleas.

Changes of venue.

SEC. 9. Changes of venue in all cases, civil or criminal, may be taken from the said court, to any district court, and from any district court of the state to said court of common pleas of the state to the same extent, and in the same manner as is now provided by law for the change of venue in the several district courts of the state.

Removal of causes.

SEC. 10. The laws regulating the removal of causes and proceedings from the district court to the supreme court, and the proceedings thereon shall be applicable to said court of common pleas.

Terms of court

SEC. 11. There shall be two general terms of said court in each year, to be held on the first Tuesday in the months of September and March, for the trial of civil and criminal causes, for which term grand and petit jurors shall be drawn and summoned as provided in section eight of this act, and the judge of said court shall have the same power to hold adjourned and special terms thereof, as is now allowed by law to the judges of the several district courts; *provided*, that whenever the county attorney of Hennepin county shall, at least twenty days before the commencement of any general term of said court, certify in writing to the judge thereof, that in his judgment there will be no business to come before a grand jury at said term, said judge shall, in his discretion be authorized to direct by order, that no grand jurors be drawn or summoned for said term.

SEC. 12. In case the county attorney shall fail to attend upon said court at any term thereof, his place shall be supplied by a county attorney *pro tem.*, who shall, in the meantime, receive for his services such compensation as is allowed to the county attorney under the provisions of law.

Relating to
county attorney.

SEC. 13. The judge of said court of common pleas shall have the same salary as is or may be provided by law for judges of the district courts, and which shall be paid in the same manner. The said judge shall be elected by the electors of the county of Hennepin, at the annual election to be held in the several election districts in said county, on the first Tuesday after the first Monday in November, 1872, and at said annual election of any year when there shall be a vacancy in such office, or next prior to the expiration of any term of said office, and said judge may be voted for at the same time as state and county officers are voted for on that day and on the same ballot, and said votes shall be counted, returned and canvassed in the same manner now provided by law in case of the election of county officers. The county auditor of Hennepin county shall deliver to the person elected a certificate of his election, which may be filed in the office of the secretary of state, and the person so elected shall thereupon qualify in the same manner as the judge of the district courts. The term of office said judge shall commence on the first day of January next after his election, and continue for the space of five years, and all laws now in force relative to the qualification of district judge shall equally to the judge of said court of common pleas.

Salary, &c., of
judge.

SEC. 14. In case the office of said judge shall become vacant before the expiration of the term for which he may have been elected, the vacancy shall be filled by appointment by the governor and the person so appointed shall hold until his successor shall have been elected and qualified. Such successor shall be elected on the first Tuesday after the first Monday of November, after the occurring of said vacancy; *provided*, the said vacancy shall have occurred more than thirty days previously to the aforesaid Tuesday of November. In case said vacancy shall have occurred within a period of thirty days or less before the said Tuesday of November, then the election of said judge shall take place and be had on the first Tuesday after the first Monday of November in the year following that in which the vacancy shall have happened. The person so elected to fill such vacancy, shall qualify on or before the first day of January next succeeding his election, and shall hold his office for and

Vacancy in the
office.

during the space of five years, and until his successor is elected and qualified.

Governor to appoint to fill vacancy.

SEC. 15. The governor shall, within thirty days after the passage of this act, appoint some suitable person judge of said court, who shall qualify on or before the first day of April next, and shall, immediately after so qualifying, enter upon the discharge of his duties as such judge, and shall continue to hold said office until the first day of January, 1873.

When act to take effect.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CLXXVIII.

February 29,
1873.

An Act Relative to Jurors and their Fees in Ramsey County.

SECTION 1. Fees of jurors.

2. Limitation of time jurors shall serve.
3. Members of fire companies not to be exempt.
4. Jurors may be excused when.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Fees of jurors.

SECTION 1. Jurors in the district and common pleas court of Ramsey county shall receive two dollars per day, instead of fifty cents per day, for actual attendance upon said courts, anything in any previous law to the contrary notwithstanding.

Time jurors shall serve.

SEC. 2. No person shall be compelled to serve more than one week at any term of said court, either as talisman or otherwise, and either party may challenge or set aside any

juror, on the ground that he has already served at the same term one week.

SEC. 3. No person who shall hereafter become a member of a fire company shall for that reason be exempt from petit or grand jury duty.

Members of fire companies not exempt.

SEC. 4. Whenever a person is excused from jury service in said county, on account of imperative business engagement, such person shall pay to the clerk of the court, for the use of the county, a sum to be fixed by the court, not exceeding twelve dollars.

When jurors may be excused

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER CLXXIX.

An Act to authorize W. B. Lutz and W. W. Scott to Establish a Ferry across the Mississippi River at the Town of Lake City, in the County of Wabasha.

March 4, 1872.

SECTION 1. Grant of ferry right to certain named persons.

2. Time when ferry shall be in operation.
3. Privilege of landing the ferry boat.
4. Bond to be made and filed for performance of duties imposed.
5. Penalty for neglect of duties.
6. Rates of ferriage to be charged
7. Penalty for exacting greater rates.
8. Penalty for violation of ferry rights by other parties.
9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That W. B. Lutz and W. W. Scott, their heirs, executors, administrators or assigns, shall have the

Grant of ferry rights.

exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the Mississippi river at the town of Lake City, in the county of Wabasha, and state of Minnesota, at any point within one and a half miles northwesterly or southeasterly up and down said river, from a point where the center line of Center street, in said town, continued northeasterly, will strike said river.

Time when in
operation.

SEC. 2. The said W. B. Lutz and W. W. Scott, their heirs, executors, administrators or assigns, shall, within twenty months after the passage of this act, place and maintain upon said ferry such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle and other property, and for the accommodation of foot passengers, and shall at all times give ready and prompt attendance on passengers and teams, on all occasions and at all hours of the day, from seven o'clock A. M. until seven o'clock P. M., from the 15th day of May until the 15th day of November of each year. *Provided*, That such ferry shall not be required when, by reason of high winds, ice, or other good and sufficient cause, the same would be rendered imprudent or dangerous.

Privilege of
landing.

SEC. 3. The said W. B. Lutz and W. W. Scott, their heirs, executors, administrators or assigns, may land their boats, passengers and property on any public levee, highway or street which now does or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same, first having procured the permission of such owner or owners so to do.

Bond to be
made and filed.

SEC. 4. The said W. B. Lutz and W. W. Scott, their heirs, executors, administrators or assigns, shall, within eighteen months after the passage of this act, file or cause to be filed with the clerk of the board of county commissioners of the county of Wabasha, a bond to said board, with two or more sureties, to be approved by the said clerk, in the penal sum of one thousand dollars, conditioned that they will fulfill all the duties imposed upon them by this act; and in case of failure so to do they shall forfeit all the rights and privileges and benefits that might accrue to them from its passage.

Penalty for neg-
lect of duties.

SEC. 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross said ferry, the aforesaid parties and their sureties upon said bond shall be liable to a penalty not exceeding twenty dollars, to be recovered by and for the use of said county, in a civil action before any court having competent jurisdiction, and shall be

further liable in like action for all damages any person may sustain by reason of the neglect of the aforesaid parties to fulfill any of the duties imposed upon them by this act.

SEC. 6. The rates charged for crossing at said ferry shall not exceed the following: Rates of ferriage.

For each foot passenger, - - -	15 cents.
For each horse or mule with rider, -	25 "
For each two horse or two mule or yoke of oxen with any kind of vehicle, loaded or unloaded, with or without driver -	60 "
For each single horse or mule with vehicle, with or without driver, - - -	50 "
For each horse, mule, ox or cow, not included in the above, - - -	25 "
For each swine or sheep, - - -	15 "
For merchandise or other articles not conveyed by teams, the property of any one person, per hundred for the first two hundred pounds, - - -	25 "
For any excess above two hundred pounds, per hundred, - - -	15 "
For lumber per thousand, - - -	75 "

Provided, that persons crossing at said ferry prior to seven o'clock A. M., and after seven o'clock P. M., of each day may be charged double rates.

SEC. 7. If the said parties, their heirs, executors, administrators or assigns, or any other ferry man or other person employed by them shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods or chattels, or any other things whatever, than is allowed by this act, the parties, their heirs, executors, administrators, or assigns and their sureties upon said bond, shall be liable to the party aggrieved in the sum of five dollars for every such act, which may be recovered before any justice of the peace of this state having jurisdiction over the same. Penalty for excess of rates.

SEC. 8. If any person or persons other than the said W. B. Lutz, W. W. Scott, their heirs, executors, administrators or assigns shall, after the establishment of the said ferry as aforesaid, set up, keep or maintain any ferry, or shall carry any person, animals, goods or chattels for pay or hire, across the said river from any place on the Minnesota side or shore of the said river, within the points above specified, every such person shall, for every such offence, forfeit and pay to the said W. B. Lutz and W. W. Scott, their heirs, executors, administrators or assigns, the sum of twenty-five dollars, to be recovered in a civil action before any court having competent jurisdiction. Penalty for violation of ferry rights by others.

When act to
take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER CLXXX.

March 1, 1872. *An Act to Authorize the Council of the Village of Northfield to Levy a Tax.*

- SECTION 1. Authorized to levy a special tax.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Levy special
tax.

SECTION 1. The council of the village of Northfield, in the county of Rice, is hereby authorized and empowered to levy a special tax, not exceeding one mill on the dollar, for the purchase of apparatus for the extinguishing of fires in said village.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CLXXXI.

*An Act to Perfect and Confirm the Title in Stevens' Seminary to Certain Lands in McLeod County.*February 20,
1872.

SECTION 1. Title in certain lands granted to the seminary.

2. When act to take effect.

WHEREAS, One John H. Hubbard and Elizabeth Ann Hubbard his wife, did, on the twenty-first day of May, in the year one thousand eight hundred and fifty-eight, by a warranty deed, duly executed and acknowledged, bearing date on that day, grant and convey to the state of Minnesota all that tract or parcel of land situate, lying and being in the county of McLeod, state of Minnesota, known and described as follows, to wit: The north half of the southeast quarter of section number fifteen (15,) in township number one hundred and fifteen (115,) north of range number twenty-eight (28) west, containing eighty acres, according to the government survey, together with all the hereditaments and appurtenances thereunto belonging, as appears by the said deed now on file in the office of the secretary of state; and,

WHEREAS, It satisfactorily appears to the legislature that said grant was, in fact, made with the intention of securing the benefits of the location of the state agricultural college thereon or on lands in that vicinity; now therefore,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the said premises, to wit: the said north half of the southeast quarter of section fifteen, in township one hundred and fifteen, range twenty-eight west, in said county of McLeod, be and the same are hereby granted and conveyed to the Stevens Seminary, a corporation created and existing under the laws of the state of Minnesota, its successors and assigns forever, to have and to hold the same and the proceeds thereof when sold, as an irrevocable and sacred trust, for the purpose of building and supporting said seminary. *Provided*, That nothing herein contained shall be construed as granting any other or greater estate

Certain lands
granted to Sem-
inary.

or interest than is now possessed by the said state of Minnesota.

Approved February 29, 1872.

CHAPTER CLXXXII.

February 29,
1872.

An Act to Amend an Act Entitled "An act in Relation to the Board of County Commissioners of Ramsey County," approved March Fourth, One Thousand Eight Hundred and Seventy-one.

- SECTION 1. Amendment to special law of 1871.
2. Repeal of inconsistent acts.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to
special law of
1871.

SECTION 1. Section three, of chapter LXXIII, of the special laws of state of Minnesota for the year one thousand eight hundred and seventy-one, is hereby amended as follows: Strike out the word "county" in the sixth line of said section and insert in lieu thereof the words, "town of said county outside the limits of said city."

Repeal of in-
consistent acts.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

When act to
take effect.

SEC. 3. This act shall be in force immediately upon its passage.

Approved February 29, 1872.

CHAPTER CLXXXIII.

An Act to Amend an Act Entitled "An Act to Establish Summit Avenue in Ramsey County," approved March 6, 1871.

February 26,
1872.

- SECTION 1.** Amendments to special laws of 1871.
 2. Relating to laying out an avenue.
 3. Commissioners named and duties defined.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) and three (3) of "An act to establish Summit Avenue in Ramsey county," approved March 6, 1871, be and the same are hereby amended so as to read as follows:

Amendment to
special law of
1871.

SEC. 2. Whenever the owners of more than one-half of the real estate fronting upon and adjacent to the line of said highway as located and established in section one, shall have signed an application in writing to the board of county commissioners for the county of Ramsey, for the opening of said highway, in which application they shall relinquish all claims for damages for the land to be taken and condemned belonging to them, for the opening of said Summit avenue, it shall be the duty of said county board to require and order a competent surveyor to survey and stake out the said avenue, and the said surveyor shall thereupon make an accurate plat thereof, with the courses and distances certified thereon, and file the said plat and survey in the office of the register of deeds for said county of Ramsey for record.

Relating to lay-
ing out an ave-
nue.

SEC. 3. Girart Hewitt, Wm. Dawson and D. A. Robertson, of said county of Ramsey, are hereby appointed commissioners to assess and determine all damages and benefits that may be sustained and received to and by the owners of property upon and adjacent to the line of said highway as so located, established, laid out and platted, by reason of such location and the opening thereof, and as soon as practicable after the filing of said plat, the said commissioners or a majority of them, shall give notice of such filing, and

Commissioners
and duties.

Commissioners
—their duties.

of the time and place when and where they will meet to assess and determine such damages and benefits, which notice shall be published at least six days successively, in a public daily newspaper printed and published in said county of Ramsey. At the time and place named in said notice and at such other times as they may adjourn to, the said commissioners shall proceed and examine the said lands on the line of and adjacent thereto, and shall assess and determine all damages and benefits sustained and received to and by the owners of such property by reason of the location, survey and opening of said highway, in the manner provided for in the assessment of damages for opening a town road, and they shall immediately thereafter file their said assessment of damages and benefits in the office of the county auditor of said county of Ramsey. Any person being the owner or agent for any tract or parcel of land upon or adjacent to said highway, feeling aggrieved by reason of the said assessment and determination of the said commissioners, may appeal therefrom at any time within thirty (30) days from the date of filing the said assessment, and in the manner provided by law for appeals in the case of opening town roads by the laws of this state.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER CLXXXIV.

An Act to Authorize the County Commissioners of Hennepin County to Procure an Office for the Use of the Probate Court of said County, and for the Safe Keeping of the Records of said Court.

February 29,
1872.

- SECTION 1. Office to be furnished judge of probate.
2. Safe, desks, records &c., to be provided.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be the duty of the county commissioners of Hennepin county to furnish for the use of the probate court of said county a suitable and convenient office. *Provided*, The same be in the same building with the other county officers.

Office to be furnished judge of probate.

SEC. 2. The said county commissioners shall also furnish and provide the said probate court with a suitable safe or vault for the safety and preservation of the records of said probate court, and shall also procure for the use of said court such cases, desks, furniture, stationery, blank books, fuel and lights as shall be required by the judge of probate of said county for the use and convenience of the said probate court. *Provided*, The office be held in the building as specified in section one.

Safe, &c., to be provided.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.

CHAPTER CLXXXV.

February 27,
1872.

An Act Allowing Citizens of Granby, Courtland and Nicollet, to Lower the Waters of Certain Lakes in Nicollet County.

SECTION 1. Authorizes the lowering of certain lakes.

2. Relating to damages.

3. Not to abridge the rights of parties owning mill sites.

4. Conditions extended to Timber Lake.

5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authorizes the
lowering of cer-
tain lakes.

SECTION 1. The citizens, or a majority of them, in the towns of Courtland, Granby and Nicollet, owning lands upon the shore of the lakes called Swan Lake and Middle Lake, in the county of Nicollet, are hereby permitted to lower the waters of said lakes through the natural outlets of the same to an extent not to exceed four feet. *Provided*, Before lowering the waters of said lakes consent in writing be obtained of the parties owning lands upon the shore of said lakes and filed in the office of the register of deeds of the county of Nicollet.

Relating to
damages.

SEC. 2. In case any person refuse consent to the proposed draining, the damages, if any, may be appraised as provided by chapter thirty-one of general statutes.

Not to abridge
rights of mill
site owners.

SEC. 3. This act shall not be so construed as in any manner to abridge the rights of any parties owning or hereafter constructing mills upon said outlets.

Conditions ex-
tend to Timber
Lake.

SEC. 4. This act in all its conditions shall also apply to Timber Lake, also in the county of Nicollet.

When act to
take effect.

SEC. 5. This act shall be in force from and after its passage.

Approved February 27, 1872.

CHAPTER CLXXXVI.

An Act to amend Section One of Chapter Seventy-eight, of the Special Laws of 1871, being an Act to encourage the formation of Agricultural Clubs.

February 28,
1872.

SECTION 1. Amendment to chapter 78 of special laws of 1871, including Chisago county.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section one, of chapter seventy-eight of the special laws of 1871, be amended so that the word "county," wherever occurring in said section shall read "counties," and that the words, "and Chisago" be inserted after the word "Carver," in same section.

Amendment to
chapter 78,
special laws '71

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 28, 1872.

CHAPTER CLXXXVII.

March 2, 1872.

An Act to Authorize the Board of County Commissioners of Ramsey county to Appoint an Abstract Clerk, define his duties and fix his salary.

- SECTION 1. Authority to appoint an abstract clerk.
 2. Bond to be given for faithful performance of duties.
 3. Duties of abstract clerk defined.
 4. Fees to be reported monthly under oath.
 5. Register of deeds to furnish free access to books.
 6. Register of deeds prohibited from making abstracts.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authority to
appoint ab-
stract clerk.

SECTION 1. The board of county commissioners of Ramsey county are hereby authorized and empowered, at any time they may deem proper, to appoint an abstract clerk, who shall hold his office during the pleasure of said commissioners, and who shall receive such fees or compensation as the said commissioners may from time to time determine, not to exceed \$2,500 per annum. *Provided*, that the register of deeds of said county shall not be eligible to said appointment.

Bond to be
given.

SEC. 2. Every abstract clerk before entering upon the duties of his office, shall give bond to the state of Minnesota, in the penal sum of two thousand dollars, with two or more sureties, to be approved by the board of county commissioners of said county, and the approval endorsed thereon, conditioned that the said abstract clerk shall well and faithfully in all things perform and execute the duties of abstract clerk according to law, during his continuance in office. He shall also take an oath of office, which oath of office and bond shall be filed with the auditor of the county of Ramsey.

Duties defined:

SEC. 3. It shall be the duty of said clerk, to do and perform all acts required of him by said board of county commissioners pertaining to the duties of his office, and shall also make out under his certificate, and deliver to any person requesting the same a full and perfect abstract of the title to any

real property in the county of Ramsey, together with all incumbrances, liens, instruments, judgments, and taxes in any manner affecting such title as the same appears of record on file in the office of the register of deeds, clerk of district court, and court of common pleas, county auditor and judge of probate, and for that purpose shall have free access, without charge or expense, at all times, to all books, public records or papers, in the offices of the register of deeds, clerk of district court, and common pleas, county auditor and judge of probate. The said clerk shall be paid for abstracts such sum as the board of county commissioners shall authorize said clerk to receive, provided however, that said clerk never charge more than fifteen cents for each transfer.

SEC. 4. The said clerk shall, at each and every regular monthly meeting of said board of commissioners, under oath, report the amount of all fees by him received, and of whom received, which fees may be retained by said clerk or shall be paid into the county treasury monthly, as may be determined by said board, when fixing the rate of compensation said clerk is to receive for his services.

Fees reported
monthly.

SEC. 5. The register of deeds of Ramsey county shall furnish free access to the office of the register of deeds, and to all books of records and papers therein contained, and desk room to any person or persons that the said board of commissioners of Ramsey county may at any time employ or appoint, to make or revise tract indexes, abstract books, or for any other purpose said board may deem necessary, and to afford all reasonable facilities and information to aid such person or persons in the discharge of the duties of their appointment.

Free access to
books.

SEC. 6. Whenever said board of county commissioners shall have appointed said clerk as aforesaid, then and from that date, the register of deeds is hereby prohibited from having or keeping any abstract books or books of indexes which do not belong to the county of Ramsey and are private property, in the office of the register of deeds, nor shall said register of deeds authorize or permit any other person to keep or have any private abstract books or indexes in said register's office. For any violation of this or the preceding section, by the said register of deeds, he shall be deemed guilty of malfeasance in office, and shall be subject to removal from office as now provided by law.

Register of
deeds prohib-
ited from making
abstracts.

SEC. 7. This act shall take effect and be in force from after its passage.

When act to
take effect.

Approved March 2, 1872.

CHAPTER CLXXXVIII.

February 27, 1872. *An Act to Authorize the Register of Deeds of Kandiyohi County to Transcribe Records from Stevens County.*

SECTION 1. Register of deeds authorized to transcribe certain records.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Register of
deeds author-
ized to tran-
scribe certain
records.

SECTION 1. The register of deeds of Kandiyohi county is hereby authorized and required to transcribe at the expense of said county, all deeds of land embraced in said county and now on record in the office of the register of deeds in and for Stevens and Meeker counties, and such transcribed records shall have the same validity as original records of other counties in the state.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER CLXXXIX.

An Act to Increase Compensation of the Judges of the District and Common Pleas Court of Ramsey County. March 1, 1872.

- SECTION 1. Salary of judges increased, payable from certain funds.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be paid annually by the county of Ramsey, out of the county funds, to the judges of the district court and common pleas court, five hundred dollars each, payable quarterly.

Salary of judges increased.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 1, 1872.

CHAPTER CXC.

March 1, 1872. *An Act to Legalize the Actions of John Crapsey, a Justice of the Peace in and for the County of Cottonwood.*

SECTION 1. Certain official acts legalized.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Certain official
acts legalized.

SECTION 1. That the record of all deeds of land or of any interest therein, made and purporting to have been executed and acknowledged in the month of March, A. D. 1871, before John Crapsey, a justice of the peace in and for the county of Cottonwood, Minnesota, are hereby legalized and made valid, and said record shall have the same force and effect as if the said John Crapsey had, in said month of March, A. D. 1871, been a justice of the peace, duly qualified, in and for the said county of Cottonwood.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CXCI.

An Act to Authorize the County Surveyor of Stearns County to perfect the town plat of the Town of Sauk Centre. February 29,
1872.

- SECTION 1. Survey and plat of the town to be made.
 2. The additions to the town plat legalized.
 3. Abstracts of title to be based upon the new record of plats.
 4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The county surveyor of Stearns county, or his deputy, is hereby authorized and empowered to make the necessary surveys, and [thereafter] to trace upon the town plat of the town of Sauk Centre, in said county of Stearns, made by Wm. T. Burnard and filed for record in the office of the register of deeds in said Stearns county, on the tenth day of August A. D. one thousand eight hundred and sixty three, the lines of the government subdivisions on which said town site is located, surveyed and established, and to certify on said town plat, as recorded, the government subdivisions on which said town site is located, surveyed and established.

Survey and plat
of town to be
made.

SEC. 2. The said additions so to be made, to the town plat aforesaid, are hereby declared to be legal, valid and effectual when so made; and said plat and record with the aforesaid additions and any duly authenticated transcript thereof, or of any part of the same, shall be entitled to be given and received in evidence before any and all courts and other tribunals in this state as fully as if the tracing of said government line and the location of said town site had been done before said plat was recorded.

Additions le-
galized.

SEC. 3. The register of deeds of said Stearns county shall certify upon the aforesaid town plat, the day and hour that said county surveyor traces said government lines and makes the aforesaid certificate, and shall thereafter base all abstracts of title of property in said town of Sauk Centre upon the same as fully as if they had been upon said plat when originally recorded.

Abstracts to be
based on new
plat records.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CXCI.

February 26, *An Act to repeal Chapter Forty of the Special Laws of*
1872. *1871, the same being An act Allowing Citizens to lower*
 the waters of Lake Elysian.

SECTION 1. Repeal of chapter 40 of special laws of 1871, relating to Lake Elysian.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Chapter forty (40) of the special laws of
1871, approved March 6th 1871, the same being an act to
authorize the citizens of Janesville, or of the county of Wa-
seca, to lower the waters of Lake Elysian is hereby re-
pealed.

SEC. 2. This act shall be in force from and after its pas-
sage.

Approved February 26, 1872.

CHAPTER CXCIH.

An Act to authorize the several Towns in the County of Pope to hold land for the purpose of a Town Cemetery, and to provide for Establishing the same. February 27,
1872.

- SECTION 1.** Authorizes the acquiring of cemetery grounds.
2. The officers in charge of the same.
 3. Division into lots.
 4. Town electors may have the same improved.
 5. The town invested with the powers of chapter 31, title 5, of general statutes.
 6. Vote to be taken upon the establishment of cemeteries.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That any town in the county of Pope, and state of Minnesota, shall have power to acquire by purchase or gift, and hold within their town not exceeding three acres of land to be held and occupied exclusively for a cemetery for the burial of the dead. Cemetery grounds.

SEC. 2. The name of such cemetery shall be that of the town in which it is located, and the supervisors shall constitute the trustees, the town clerk shall perform the duties of actuary, and the town treasurer shall be the treasurer of the association. Division into lots.

SEC. 3. Whenever the electors of any town determine to establish a cemetery according to the provisions of this act, the supervisors shall cause the same to be surveyed and divided into lots of such size as they may direct, and a plat of the survey thereof to be made. The lots shall be numbered and the survey and plat shall be certified to by the surveyor and filed in the office of the town clerk, and shall be recorded by the clerk and remain part of the record of such town, and such tract so described shall thenceforth be the property of said town. Electors may improve the same.

Powers of the
town.

SEC. 4. The electors of said town shall have power to direct that such lot be fenced or otherwise improved as they may by vote determine at their annual town meeting, which improvements shall be made under the direction of the board of supervisors and shall be deemed a town charge.

Vote to be
taken.

SEC. 5. The town shall have all the powers and privileges conferred upon cemetery associations by title five, chapter thirty-four, of the general statutes, except that one half of said cemetery shall remain forever free for the use of all inhabitants of said town as a place of burial.

Submitted to a
vote.

SEC. 6. Whenever a petition in writing and signed by not less than six legal voters of said town, asking that the question of establishing a town cemetery be voted upon, is presented to the town clerk, he shall, at the time of giving notice of the next annual town meeting, state in said notice that the question of a town cemetery will be voted upon, and no such cemetery shall be established unless a majority of all the votes cast at such town meeting shall be in favor of the same.

When act to
take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER CXCIV.

An Act to Authorize the County Auditor of Douglas County to Make Corrections in Grand Tax Duplicates for said County for Year A. D. 1871, and to Extend the Time for Paying Personal Property Tax in said County for said Year.

February 28,
1872.

SECTION 1. Auditor authorized to receive grand duplicate and make corrections therein.

2. Time for paying taxes extended.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That it shall be lawful and the county auditor of Douglas county is hereby authorized to receive the grand tax duplicates of said county for the year A. D. 1871, from the county treasurer of said county and make such corrections therein as will make the said grand duplicate conform to what they would have been had no errors been made therein in extending the taxes thereon.

Auditor to receive grand duplicate.

SEC. 2. That the time for paying taxes on personal property in said Douglas county assessed for the year A. D. 1871, be and the same is hereby extended until the 15th day of April, A. D. 1872, and that said personal property taxes do not become delinquent until such date.

Time for payment of taxes extended.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 28, 1872.

CHAPTER CXCV.

February 26,
1872.

An Act for the Relief of Ammi Cutter.

- SECTION 1. Time granted to pay indebtedness.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Time granted
to pay indebt-
edness.

SECTION 1. That the state auditor is hereby authorized and directed to grant and allow to Ammi Cutter four years' time in which to pay one-half of his indebtedness to the state of Minnesota, for stumpage for pine timber cut upon the school lands, and eight years' time in which to pay the other half, and that said indebtedness shall draw no interest in the meantime. *Provided*, That the provisions of this act shall not extend to an indebtedness exceeding in amount two thousand and five hundred dollars.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER CXCVI.

An Act to Organize the Town of St. John in Kandiyohi County.

February 29,
1872.

SECTION 1. Organization of a town authorized.

2. Notice of first town meeting, how given.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That township one hundred and nineteen (119,) north of range thirty-six (36) west, in the county of Kandiyohi, is hereby organized under the name of St. John.

Organization
of town:

SEC. 2. The county commissioners of the county of Kandiyohi, at the meeting in March, 1872, shall thereupon make notices designating a suitable place for holding the first town meeting in the town, which shall be holden within thirty days after said town is organized, and the auditor shall deliver such notices to the sheriff of the county, who shall cause the same to be posted in the town, not less than ten (10) days before the day set for such town meeting, and that the supervisors of the town of St. John shall have the same power as any other town officers in the county.

Notice of first
meeting.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 29, 1872.

CHAPTER CXCVII.

February 29,
1872.

An Act Limiting the Compensation of Certain Officers of Ramsey County Therein Named, and Prescribing Their Duties.

- SECTION 1. Fees of certain officers vested in the county.
2. Quarterly returns of fees to be made.
 3. Judges of the court of common pleas and district court of the county to fix compensation of deputies and clerk.
 4. Full accounts to be kept, subject to examination.
 5. Salaries of county officers.
 6. Quarterly payments of all fees to be made to the county commissioners.
 7. Construction of the act.
 8. Penalty for failure of the officers to report.
 9. Liabilities of sureties on the official bonds.
 10. Authorizes payment of current salaries and expenses to auditor and probate judge, in advance of quarterly settlements.
 11. Salaries of deputies, &c, may be paid out of fees by the proper officers.
 12. Taxes, &c., paid into the treasury, how credited.
 13. Form of receipt to be given before warrant issued for payment of compensation.
 14. Same fees as allowed by law to be charged and advance payment required.
 15. Designation of the word fees, costs, percentages, &c, as they relate to the sheriff.
 16. Relating to the appointment of deputies, clerks, &c.
 17. Disposition of the accumulated fund.
 18. County funds to be deposited with the bank contracting to pay the largest interest therefor.
 19. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Fees vested in
county.

SECTION 1. That the fees, costs, percentages, penalties, allowances, and all other perquisites of whatever kind, which, by any law, the clerk of any court, probate judge, sheriff, either as such or as special master, commissioner or receiver in any case, treasurer, register of deeds, county attorney and auditor, in the county of Ramsey in this state, is or may hereafter be authorized to charge, receive and collect, for any official services rendered by him or them, shall hereafter be received and collected by the said officers respectively, to and for the sole use of the county treasury, as public moneys belonging to said county and not otherwise, and shall be accounted for and paid over as such, in the manner hereinafter provided.

SEC. 2. That it is hereby made the duty of the several officers named in the first section of this act to report to the county commissioners of their respective counties quarterly, during each year of their official term, a certified and sworn statement, in detail, of all the costs, fees, percentages, penalties, allowances and other perquisites of every kind charged in his office, whether taxed in any cause, matter or proceeding, or otherwise, and recoverable by him for any services rendered by him during the quarter next preceding the time of making such statement, showing the whole amount thereof, how much thereof has been received by him, how much thereof remains uncollected, the names of the persons from whom any of the same are due and the amount due from each, and the reason why the same has not been collected. *Provided however*, That the sheriff, clerk and probate judge shall not be required to report as to uncollected fees for costs in any suit, matter or proceeding which, at the time of making any such quarterly report, shall be pending and not determined by a final order or judgment, but all such uncollected fees or costs shall be reported in full in the next quarterly report, if the said suit, matter or proceeding shall have been determined by a final order or judgment, and, *Provided further*, That the treasurer shall not be required to report the fees, percentages, allowances or penalties receivable by him for collecting taxes that are charged upon the tax duplicate, until his settlement with the county auditor, but shall report the same to the county commissioners when made out; and that the county auditor shall not be required to report the fees receivable by him for services rendered by him and payable to him out of the county treasury, except by his annual settlement with the county commissioners as now provided by law.

Quarterly
returns.

SEC. 3. The judges of the court of common pleas and of the district court in said county, in joint session, shall, from time to time, fix the maximum compensation of all deputies, clerks, book-keepers and other assistants who may be employed by the treasurer, auditors, register of deeds, sheriff, probate judge and clerk, which compensation shall be paid to them monthly out of the county treasury, upon the warrant of the county auditor, and the number of deputies, clerks, book-keepers and other assistants of the officers named in the first section of this act, shall be determined by said officers respectively, subject to the approval of the said judges, and for no official act or duty shall any such deputy, clerk or book-keeper or other assistant receive, to be retained by himself, any additional fee, salary or com-

Judges to fix
compensation.

compensation other than that fixed and provided for in this section, and no officer shall receive or be paid, directly or indirectly, any part of such salary or compensation of such deputy, clerk, book-keeper or other assistants, or any fee or reward for appointing him to such position. The county commissioners shall allow and order to be paid as other claims against the county, all other reasonable expenses necessary to the proper discharge of the duties of any of the above named officers. *Provided however*, That the compensation of all deputies, clerks, book-keepers and assistants hereby authorized to be paid, shall be first paid out of the fees, costs, percentages, penalties or allowances collected by said officers, and accounted for and paid into the county treasury, with the exception of the expenses incurred in the office of county auditor.

Accounts to be kept. SEC. 4. That each of said officers shall keep full and regular accounts, subject at all times to the examination of the county commissioners, of all sums collected by him on account of official fees, costs, percentages, penalties, allowances and other perquisites of whatever kind, and said books of accounts shall be a part of the records of their respective offices, and belong to the county, and shall be transmitted to their successors in office.

Salaries of officers. SEC. 5. That after deducting from the whole amount of the fees, costs, percentages, penalties, allowances and perquisites, collected by each of said officers respectively, during each year, the amounts allowed and paid for the compensation of deputies, clerks, book-keepers and other assistants, and other necessary expenses of said officers, they each shall be allowed to receive an annual compensation for his services out of the costs, fees, percentages, allowances, perquisites and penalties collected by him, as follows: Clerk of the district court and common pleas courts, four thousand dollars; probate judge, two thousand dollars; sheriff, four thousand dollars; treasurer, four thousand dollars; auditor, three thousand dollars; register of deeds, three thousand dollars; county attorney, two thousand dollars; which sums shall be paid to them in quarterly installments out of the county treasury, upon the warrant of the county auditor, it being the intent and meaning of this act, to limit the maximum annual compensation from every source, of the officers named in the first section of this act, to the sums named in this section, *provided*, that the county auditor, county attorney and probate judge, shall be entitled to receive the compensation herein provided, and the county auditor and probate judge the expenses of their offices without reference to the costs, fees, percentages, allowances, perquisites and

penalties collected by them or either of them. And *provided further*, that after the expiration of the present terms of office for which the clerk of the court of common pleas and district court, the sheriff and county treasurer, have been respectively elected, the salaries of said officers shall be three thousand dollars each, per annum, and no more.

SEC. 6. That each of said officers named in the first section of this act, shall, at the end of each quarter, pay into the county treasury on the warrant of the county auditor, and account for, to the county commissioners, for the use of the county, all the fees, costs, penalties, percentages, allowances and perquisites of every sort, collected by him during said quarter; but if, in any quarter, there shall not have been collected a sufficient amount of fees, costs, percentages, allowances and penalties, by any officer, to pay to him the proportion due him for his own use as herein limited, he shall be entitled to receive the amount of any such deficiency out of collections made by him or his successor in office for him in any succeeding quarter or quarters, from the official costs, fees, percentage, allowances and penalties, earned and charged by him after deducting therefrom the amounts allowed for the compensation of his deputies, clerks, book-keepers and assistants, as hereinbefore provided. It shall be the duty of the sheriff, at the expiration of his official term of office or within ten days thereafter, to pay over to his successor in office all moneys that may be in his hands under any execution, order for sale or other legal process of whatever kind, or the proceeds arising from any sale of real or personal property by him previously made, and when he holds the same awaiting an order of court for confirmation of sale or distribution of proceeds.

Quarterly payments.

SEC. 7. Nothing in this act shall be so construed as to make the county or the county commissioners liable to any of the officers named herein, or their deputies, clerks, book-keepers or other assistants, for the payment of any salary or compensation, except out of the fees, costs, percentages, allowances and penalties, collected by any of these officers respectively, except as provided in section five of this act.

Construction of act.

SEC. 8. In case any officer named in this act shall fail to pay over into the county treasury, any money found to be due from him upon his settlement with the county commissioners under this act, for the period of thirty days after the same shall have been ascertained and found by them to be due, and notice given to him; or if any of the said officers shall, with intent to violate this act, fail to furnish the statements and reports herein required at the time and in the manner herein specified; or if the sheriff shall fail to pay over moneys to his successor in office, as provi-

Penalties.

ded in section six of this act; or if any of said officers shall willfully make any such report or statement false in any material matter, knowing the same to be so; or, if any of said officers shall willfully violate any of the provisions of this act, he shall, upon conviction upon indictment or information in the court of common pleas or district court of said county, be adjudged guilty of misconduct in office and shall be immediately removed therefrom, and in addition, forfeit all compensation to which he would be otherwise entitled, and be condemned to pay a fine for the use of the county, of not less than five hundred dollars or more than two thousand dollars, for the payment of which forfeiture and fine, as well as any amounts otherwise due from him in his official capacity, his sureties shall also be liable upon their bond, to be recovered in a civil action in the name of the state of Minnesota, for the use of the county in which he was an officer.

Liability of
sureties.

SEC. 9. The official bond required by law and taken from any officer named in this act shall be deemed and held to make the parties to the same liable for any violation, on the part of the officer for whom they are sureties, of any of the provisions hereof, and for the faithful performance of all the duties hereby required. *Provided*, That nothing herein contained shall in any manner affect or impair any rights or liabilities now existing, or that may exist prior to the first day of April, one thousand eight hundred and seventy-two, so far as relates to the county of Ramsey or any officer herein named; and that each officer herein named shall execute and file a new official bond, as required by law, with sureties to be approved by the board of county commissioners, prior to the first day of April, one thousand eight hundred and seventy-two; and *provided further*, that no county officer or officers mentioned in the first section of this act shall be accepted as a surety for any other of said officers.

Payment of
salaries, &c.

SEC. 10. It shall be lawful for the county commissioners to authorize the county auditor to draw his warrant upon the county treasury for such sums as they from time to time may think reasonable and necessary to pay the current salaries and official expenses of said auditor's and probate judge's office, and all moneys so drawn by said auditor and probate judge shall be fully accounted for in their quarterly account thereafter rendered to said commissioners, as provided in the second section of this act.

SEC. 11. For the first two years after this law goes into effect it shall be lawful for the officers severally named in the first section of this act to pay the salaries of the deputies, clerks, bookkeepers, and other assistants employed by

them, the compensation as fixed by the judges of the court of common pleas and of the district court, as provided in the third section of this act, out of the official fees, costs, percentages, penalties, allowances and other perquisites collected by them, and arising from and belonging to their respective offices; and for such payments they shall take proper vouchers or receipts, according to the form herein-after provided; and in their quarterly settlements with the county commissioners, as provided in the second section of this act, said accounting officer shall be accredited with the full amount of said vouchers so paid by him during the quarter next preceding said settlement.

Salaries of
deputies, &c.

SEC. 12. The fees, costs, percentages, penalties, allowances and other perquisites paid into the county treasury by the officers named in the first section of this act, shall be by the treasurer credited to the respective officers from which they were derived, and kept as separate funds, to meet the expenses of said offices. *Provided*, that none of the salaries or expenses of one of said officers shall ever be charged to or paid out of the money placed to the credit of another of said officers.

Fees, &c., paid
into treasury,
how credited.

SEC. 13. Before the auditor shall issue a warrant upon the county treasurer to any deputy, clerk, bookkeeper or other assistant, for his compensation or salary, as prescribed in the third section of this act, and before any of the officers named in the first section of this act shall pay any deputy, clerk, bookkeeper, employee or other assistant his compensation or salary, as provided in the eleventh section of this act, said deputy, clerk, bookkeeper or other assistant shall sign a receipt, and verify the same by oath or affirmation attached, which receipt and oath or affirmation shall be in the following form:

Form of receipt

No. —.

Received of the (here recite the county or officer, as the case may be,) by (here insert the name of party receiving salary and compensation,) ——— dollars, in full for services as (here insert services), for ——— ending ———, 18—.

\$——. (Name of party receiving money.)

I hereby swear that I have rendered the services as herein stated, and I have received the full sum set forth in the above receipt for my own use and benefit, and that I have not paid, deposited or assigned, nor contracted to pay, deposit or assign, any part of such compensation for the use of any other person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for any office, or the emoluments thereof.

(Name of party receiving money.)

Sworn to and subscribed before me this ——— day of
———, 18—.

_____,
Justice of the Peace.

And said receipt and oath or affirmation shall be preserved and filed by the auditor.

Fees allowed
by law charged
and advance
payment
required.

SEC. 14. The officers named in the first section of this act shall charge, assess, receive and collect the specific items of fees, costs, percentages and penalties that now are or hereafter may be authorized by law; and no civil action, proceeding or appeal shall be entered in the clerk's office of the said district or common pleas courts until the plaintiff, relator or appellant desiring such entry shall deposit with said clerk the sum of three dollars, as security for the clerk's fees in such action, proceeding or appeal, and out of which the said clerk shall satisfy the fees due from such party as they accrue, and whenever said sum is exhausted, but not before, the said clerk shall require as a condition of further entries for said party, an additional deposit of three dollars, for the purpose and application aforesaid, and the same amount on the same condition, for the same purpose and application, whenever such exhaustion occurs, and any balance remaining after the termination of the action, proceeding or appeal shall be returned to the party depositing the same, or to his attorney in the proceeding. The sheriff shall collect his fees at the time of the rendition of any service in any civil action or proceeding, and before he delivers or files his return, certificate or other evidence of his official action therein; and no deed or instrument of any kind shall be received or filed for record, or recorded by the register of deeds, until the fees allowed by law for filing and recording all such deeds and instruments are paid.

Designation of
word fees, &c.

SEC. 15. The words fees, costs, percentages, penalties, allowances and other perquisites in the first section of this act, as they relate to the sheriff, apply to and include turnkey's fees, and all allowances of jailor's fees, and all fees and allowances for services rendered the county and state, authorized to be charged for receiving and detaining prisoners in the county jail, or for any other service from whatever source derived, not, however, including the cost of feeding said prisoners.

Appointment
of deputies.

SEC. 16. Nothing in this act shall be construed as changing the existing laws of this state relating to the appointment and approval of any deputy, clerk, book-keeper or other assistant of any officers named in the first section of

this act, except as to limiting the number and compensation of each, as provided in the third section of this act.

SEC. 17. Whenever the net accumulated fund in the county treasury to the credit of any of the funds arising from the fees, costs, percentages, penalties, allowances or perquisites of the officers named in the first section of this act shall exceed two thousand dollars over and above the expenses of said offices, it shall be lawful for the county auditor, upon the order of the county commissioners, to transfer from said special fund to the general fund, for the use of the county, any sum that may have accumulated over and above the sum of two thousand dollars.

Disposition of funds.

SEC. 18. The county treasurer of said county shall, on or before the first Tuesday of each month, deposit all funds of whatsoever kind which he holds or shall receive, as county treasurer, from whatsoever source, except state and school funds, in such banks or banking houses in the city of St. Paul, as shall agree to pay the highest rate of interest per cent. upon the average monthly balances of the amount deposited, upon condition that said funds with accrued interest shall be held subject to draft and payment at all times on demand; *provided*, that the amount deposited in any bank or banking house shall not exceed the assessed capital stock of said bank or banking house, as shall appear upon the duplicate tax list; and *further provided*, that no bank or banking house shall be designated as a depository for said funds, without the approval of the board of county commissioners; and *provided further*, that said commissioners shall require of any bank or banking house so designated as security for the safe keeping of the county funds, to deposit with the county treasurer, bonds of the United States, or of the state of Minnesota or of the city of St. Paul, excepting therefrom, Minnesota state railroad bonds, in amount at least equal to the amount of said funds, said bank or banking house may be authorized to receive under the provisions of this act, which amount shall be fixed by said county commissioners, and the county treasurer shall keep such securities during the time they are so placed on deposit.

County funds, how deposited.

SEC. 19. This act shall take effect and be in force from and after the first day of April, A. D. one thousand eight hundred and seventy-two, and the fees, costs, percentage, allowances, penalties and other perquisites of whatever kind, of the officers herein named, remaining unpaid at the end of his official term, shall in no wise belong to or be the property of any such officer, except so far as is provided in the sixth section of this act; but shall

When act to take effect.

be collected by his successor in office, and shall be held as public money and property of the county, and shall constitute a part of the fund out of which the expenses and compensation of such successor in office shall be paid.

Approved February 29, 1872.

CHAPTER CXCVIII.

February 26, *An Act to Legalize the Acts of the Register of Deeds for*
 1872. *Renville County, for the year 1871.*

- SECTION 1. Acts of the register of deeds legalized.
 2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Acts of register
 legalized.

SECTION 1. That all and singular the acts of the register of deeds in Renville county, for the year 1871, are hereby legalized and made valid to the same extent as if he had been a citizen of the United States.

When act to
 take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER CXCIX.

An Act to Permit Lyndale Cemetery Association, of Hennepin County, to Purchase and Hold for a Cemetery for the Burial of the Dead, One Hundred Acres of Land in Addition to the Amount Allowed in Section One Hundred and One, of Title Five, of Chapter Thirty-four of the General Statutes, and to Change the Name of said Association.

February 26,
1872.

- SECTION 1. Change of cemetery name.
2. Authority to purchase land for cemetery purposes.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The name of "Lyndale Cemetery Association," of Hennepin county, is hereby changed to Lakewood Cemetery Association." Change of name.

SEC. 2. That the Lakewood cemetery association, of Hennepin county, Minnesota, is hereby permitted and authorized to purchase one hundred acres of land, in addition to the amount specified in section one hundred and one, of title five, in chapter thirty-four of the general statutes of Minnesota, making a total amount of one hundred and eighty (180) acres of land which said Lakewood cemetery association is hereby allowed to take by purchase or gift and hold within said county, to be held and occupied exclusively for a cemetery for the burial of the dead. Purchase of land.

SEC. 3. This act shall take effect and be in force from and after its passage. When act to take effect]

Approved February 26, 1872.

CHAPTER CC.

February 24,
1872.

*An Act authorizing the Board of County Commissioners
of the County of Brown to Fix Certain Fees.*

- SECTION 1. Authorizes county commissioners to fix amount of fees for entries in
platted abstract.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Fees for entries
in abstract.

SECTION 1. That the board of county commissioners of the county of Brown be and they are hereby authorized to fix the amount of fees to be charged by the register of deeds of said county of Brown, for entries to be made in the platted abstract of real estate existing in said county, such fee not to exceed, however, the sum of twenty-five cents for each and every lot or parcel of land conveyed and entered upon said abstract.

When act to
take effect.

SEC. 2. This act shall be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CCL.

*An Act to Legalize the Acts of the Commissioners of
Douglas County in Creating School Districts and in
Altering the Boundaries thereof.*

February 14,
1872.

SECTION 1. Acts of county commissioners legalized.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The acts of the county commissioners of Douglas county in creating, forming and organizing school districts, and in altering the boundaries thereof, within the limits of said county, as appears by the records, petitions and documents deposited and on file in the office of the auditor of said county, are hereby all and singular, and for all purposes, rectified, confirmed and made valid and effectual.

Acts of com-
missioners
legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 14, 1872.

CHAPTER CCII.

March 1, 1872. *An Act to Legalize the Actions of the County Commissioners of Rock County and the Assessments of said County for the Year 1871.*

SECTION 1. Acts of county commissioners legalized.

2. Assessment of 1871 legalized.

3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Acts of com-
missioners
legalized.

SECTION 1. The actions of the county commissioners of the county of Rock, since their appointment by the governor to the present time are hereby legalized and made valid, the same as though their qualification and actions had been in strict conformity to law.

Assessment of
1871 legalized.

SEC. 2. The assessments made in said county of Rock for the year 1871 are hereby legalized and made valid.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

CHAPTER CCIII.

An Act to Authorize the County Treasurer of Houston County to Collect the Delinquent Taxes on certain Lands in Houston county, with Interest thereon.

February 27,
1872.

- SECTION 1. Acts of county treasurer legalized.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the action of the county treasurer of the county of Houston, in offering for sale and selling lands in said county on the 5th, 6th and 7th days of June, A. D. 1871, for the delinquent taxes of the year A. D. 1870, and the forfeiture of all lands then unsold, is hereby legalized and confirmed, and said treasurer is hereby authorized to collect the taxes on such lands, with the penalty and interest prescribed by law on forfeited lands.

Acts of treasurer legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 27, 1872.

CHAPTER CCIV.

February 27,
1872.

An Act to Amend an Act entitled an Act Creating an Independent School District in the Town of Taylor's Falls, approved March 6th, 1871.

SECTION 1. Amendment to special laws of 1871, relating to an independent school district.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one (1) of said act be amended so as to read as follows:

Independent
school district.

Sec. 1. That all that part of the town of Taylor's Falls, in the county of Chisago, hereinafter described, to wit: All of sections seven, (7,) eighteen, (18,) nineteen, (19,) and thirty, (30,) in township number thirty-four (34) north, of range number eighteen (18) west, west of the St. Croix river; all of sections eleven, (11,) twelve, (12,) thirteen, (13,) fourteen, (14,) twenty-three, (23,) twenty-four, (24,) twenty-five, (25,) and twenty-six, (26;) east half of sections twenty-two (22) and twenty-seven (27;) east half of the northeast quarter and the southeast quarter of section thirty-four, (34,) and all the fractional parts, west of the St. Croix river, of sections one, (1,) two, (2,) thirty-five (35) and thirty-six, (36,) all in township number thirty-four north, of range number nineteen (19) west, shall, from and after the last Saturday in March, one thousand eight hundred and seventy-one, (1871,) constitute in law one separate and independent school district.

When act to
take effect.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

CHAPTER CCV.

*An Act to Amend Chapter 15 of the Special Laws of 1864,
the same being an Act Relating to the Faribault School
District.*

February 27,
1872.

SECTION 1. Relating to the annual election of officers, and time of making reports.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The provisions of chapter four of the general laws of 1871, so far as said chapter alters the time for holding the annual election of the board of directors of the school districts therein mentioned—the time for holding the annual meeting of such board so elected for organization—the time for making to the county auditor the reports required of the clerks of such districts, and the time for filing with the board of directors the treasurer's report required by law, shall be taken and held to apply to said Faribault school district, and to prescribe the times for doing said acts respectively, instead of the times specified therefor in said chapter 15 as the same now is.

Annual elec-
tion—reports.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 27, 1872.

CHAPTER CCVI.

February 26, *An Act to authorize the return of Land Road Warrants,*
1872. *in the town of Aurora, and the levy and collection of the*
 unpaid taxes therein mentioned.

SECTION 1. Land road warrants to be returned to county auditor for extension of
 taxes.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Land road war-
rants to be re-
turned.

SECTION 1. It shall be the duty of the several overseers of highways in the town of Aurora, in the county of Steele, within ten days after the passage of this act, (if they have not so done before,) to return to the county auditor of said county, the land road warrants placed in their hands by the supervisors of said town, for the year 1871, with a proper return thereon showing what taxes have been paid, and what taxes have not been paid.

And it shall be the duty of the county auditor, immediately after such returns, to levy and extend the unpaid taxes in said warrants upon the tax books and records in his office, and the same shall be collected and enforced in the same manner as other taxes for said year.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1872.

CHAPTER CCVII.

An Act to Authorize the Board of Supervisors of the Township of West St. Paul, in Dakota County, to Levy a Special Tax Against the Platted and Recorded Property Constituting the former City of West St. Paul, for the Survey Thereof with its Additions and for Other Purposes.

February 29,
1872.

- SECTION 1. Authorizes a tax levy upon lots.
 2. Authorizes a survey of the former city and its additions.
 3. Payment of surveyor.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of supervisors of the township of West St. Paul, in Dakota county, is hereby authorized, empowered and required to assess and certify to the county auditor of said county, and in the event of the failure of the said board to certify to the same, the said auditor is hereby authorized to extend a tax of twenty-five cents a lot against the platted and recorded lots, and in the same proportion on all other property not platted and recorded within the limits of the former city of West St. Paul, and all other platted and recorded lots in all additions adjoining what constituted the former city of West St. Paul, for the purpose of accurately re-establishing by survey, the boundaries and corners of the several platted and recorded tracts of land constituting and being within the limits of the former city of West St. Paul and such other additions as may adjoin the same, and to establish as many and such other interior lines and corners within all said additions and tracts as may be deemed by said board sufficient to facilitate the opening of public streets, and defining private property from the same.

Tax levy.

SEC. 2. Within thirty days from the passage of this act or as soon thereafter as practicable, the said board of supervisors is hereby required to employ a competent surveyor and to enter into a written contract with him for the purpose of accomplishing the provisions of section 1 of this act. Said surveyor, when so employed, is hereby required,

Survey authorized.

without delay, to make a careful survey of the tracts and additions aforesaid, and to carefully and accurately re-establish the corners and boundaries of the same, as well as such interior corners and lines of the same, as the said board may direct established, and shall designate the same by durable monuments and stakes, and shall file a plat, field notes and report of his work when completed, and verify the same as to the impartial execution of his duty and the fullness and correctness of his report, which shall then be filed with the said board of supervisors.

Payment of
surveyor.

SEC. 3. Said surveyor will be paid for his services by warrants drawn by said board on the town treasurer against the fund herein provided for, and said fund shall be used for the payment of said warrants and no other purpose. *Provided*, That said warrants may be receivable for the payment of the tax herein provided for.

Approved February 29, 1872.

CHAPTER CCVIII.

*An Act to Legalize the Transcription of certain Deeds in the Counties of Chippewa and Swift.*February 27,
1872.

SECTION 1. Authorizes the transcribing of certain records.

1. The register of Swift county authorized to copy certain records.
2. Payment of necessary expenses.
4. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the register of deeds of the county of Chippewa is hereby authorized to transcribe, date and index the record of all deeds of lands, or of any interest therein, in a book kept for that purpose, heretofore made and purporting to have been recorded prior to January 1st, 1871.

To transcribe records.

SEC. 2. That the register of deeds of the county of Swift be authorized to copy from the records of the county of Chippewa all entries contained in the said records and relating to real estate in certain towns heretofore included in the boundaries of the said county of Chippewa; such records to have the same force and effect as if they had been originally entered upon the records of said counties. Such transcription shall be at the expense of each of the above named counties respectively, and shall be paid out of any money now in the treasury of the counties not otherwise provided for.

To copy records.

SEC. 3. That the register of deeds of the county of Swift be paid for mileage and time in traveling to and from the county seat of Chippewa, and all other necessary expenses that may accrue in the performance of said duties.

Payment of expenses.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 27, 1872.

CHAPTER CCIX.

February 24,
1872.

An Act Limiting and Regulating the Salaries of the County Auditor and Treasurer of the County of Dodge.

- SECTION 1. Fees of treasurer and auditor vested in the county.
2. Quarterly reports to be made by these officers.
 3. Accounts to be kept subject to examination of the commissioners.
 4. Salaries of treasurer and auditor.
 5. Penalty for failure or neglect.
 6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Fees vested in
county.

SECTION 1. That the fees, costs, percentages, allowances and other perquisites of whatever kind, which, by any law the treasurer and auditor of the county of Dodge, in this state, is or may hereafter be authorized to charge, receive or collect for any official services, rendered by him or them, shall hereafter be received and collected by the said officers respectively to and for the sole use of the county treasury, as public moneys belonging to said county, and not otherwise, and shall be accounted for, and paid over as such, in the manner hereinafter provided.

Quarterly re-
ports.

SEC. 2. Each of the above named officers shall make a circumstantial report to the county commissioners, quarterly, of all costs, fees, percentages and other perquisites charged in said office, omitting only such costs, fees, percentages and other perquisites, as are involved in matters still [pending,] proceeding, which are to be included in the next quarterly report, in case the matter has been determined; *provided*, that the county treasurer shall not be required to report the fees, percentages and other perquisites receivable by him for collecting taxes that are charged upon the tax duplicate, until his settlement with the county auditor; and the county auditor shall be required to report the fees receivable by and due him only in his annual settlement with the county commissioners, as now required by law.

Accounts to be
kept.

SEC. 3. Each of said officers shall keep full and regular accounts, subject at all times to the examination of the county commissioners, of all sums collected by him, on ac-

count of official fees, costs or percentages, penalties, allowances and other perquisites of whatever kind, and said books and accounts shall be a part of the records of their respective offices, and belong to the county, and shall be transmitted to their successors in office.

SEC. 4. Each of said officers shall be paid out of the county treasury of said county the sum of twelve hundred dollars per annum, which said salary shall be paid quarterly upon the warrant of the county auditor.

Salaries.

SEC. 5. Either of said officers failing to pay over any money due by him as provided in this act, or to make the statements required, shall be liable to trial for misconduct in office, and on conviction shall be removed therefrom, forfeit all compensation due him and pay a fine of not less than two hundred dollars nor more than one thousand dollars, for which his bondsmen are held liable.

Penalty.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 24, 1872.

CHAPTER CCX.

February 24,
1872.

An Act to Provide for Transcribing Records relating to Real Estate in those portions of the Counties of Scott and Dakota that were affected by the Changing the Boundary Line under an Act approved March 6th, A. D. 1871.

- SECTION 1. Register of deeds of Scott county authorized to transcribe certain records.
2. Register of deeds of Dakota county authorized to transcribe certain records.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

To transcribe
records

SECTION 1. That the register of deeds for the county of Scott is hereby authorized and empowered to transcribe from the records of Dakota county all entries and records relating to real estate heretofore in said county, and which was set off into Scott county by the changing of the boundary line, under an act entitled an act to change the boundary line between Scott and Dakota counties, approved March 6th, 1871.

To transcribe
records.

SEC. 2. That the register of deeds for the county of Dakota is hereby authorized and empowered to transcribe from the records of Scott county all entries and records relating to real estate heretofore in said county, and which was set off into Dakota county by the changing of the boundary line, under an act entitled an act to change the boundary line between Scott and Dakota counties, approved March 6th, A. D. 1871.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER CCXI

An Act Relative to Jurors in Ramsey County.

March 1, 1872.

- SECTION 1. Relating to jurors serving more than one week.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Where jurors in the district court or court of common pleas of Ramsey county have been sworn and empaneled in a cause which is not concluded at the expiration of their term of one week, they shall serve until they have rendered their verdict in such cause or until they shall be duly discharged from the further consideration thereof.

Relating to
jurors.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 1, 1872.

CHAPTER CCXII.

February 29,
1872.

An Act to Legalize the Acts of the Religious Society known as the First German Evangelical Lutheran Church of Shakopee, and to Vest in said Society the Title in Fee to the Property Heretofore Conveyed to said Society by the name of the First German Evangelical Congregational Church of Shakopee.

- SECTION 1. Change of title in land authorized.
2. Proceedings heretofore had legalized.
3. When act to take effect.

WHEREAS, The religious society now known as the First German Evangelical Lutheran Church of Shakopee, in the city of Shakopee, in this state, was formerly known as the First German Evangelical Congregational Church of Shakopee; and,

WHEREAS, Certain real estate in the city of Shakopee on which is erected their church and school buildings and now held by the said First German Evangelical Lutheran Church of Shakopee, was heretofore conveyed to the First German Evangelical Congregational Church of Shakopee; and,

WHEREAS, Said religious society by the name of the First German Evangelical Lutheran Church of Shakopee have become a body corporate under the general laws of this state, therefore,

Be it enacted by the Legislature of the State of Minnesota:

Change of title
in land.

SECTION 1. That the title in fee to the property heretofore conveyed to the First German Evangelical Church of Shakopee and now occupied by the First German Evangelical Lutheran Church of Shakopee, hereby is declared to be vested in the said First German Evangelical Lutheran Church of Shakopee.

Proceedings
legalized.

SEC. 2. That all acts and proceedings heretofore had by the religious organization under the name of the First German Evangelical Lutheran Church of Shakopee, in the election of trustees and other officers of said society and in making and filing the certificate mentioned in section seventy-two (72), of title IV, of chapter thirty-four (34) of the general statutes of the state of Minnesota, are legalized and made valid for all purposes whatsoever.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CCXIII.

An Act to Confirm and Make Valid the Purchase of Cemetery Grounds by the town of Bloomington, Hennepin County.

February 27,
1872.

SECTION 1. Purchase of cemetery grounds legalized.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

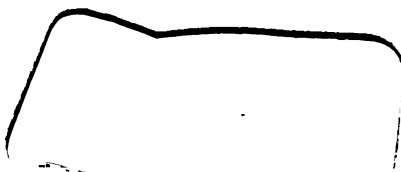
SECTION 1. The purchase of cemetery grounds by the town authorities of Bloomington, Hennepin county, by deed from the First Presbyterian church society of Oak Grove, in said town, bearing date November, A. D. 1864, is hereby confirmed and made valid.

Purchase of
grounds legal-
ized.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved February 27, 1872.



CHAPTER CCXIV.

February 29,
1872.

*An Act to Authorize the County Commissioners of Steele
County to Appropriate Money.*

SECTION 1. Appropriation of money for agricultural fair buildings authorized.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Agricultural
fair buildings.

SECTION 1. The county commissioners of Steele county are hereby authorized to appropriate the sum of three hundred dollars out of the county funds of said county, for the purpose of erecting permanent buildings on the agricultural fair grounds in the city of Owatonna; the same to be expended under the direction of agricultural society of said county.

SEC. 2. In case said money shall not be in the treasury of said county, subject to section one of this act, the said commissioners shall be authorized to issue orders for the same, and the said amount shall be levied and collected upon the taxable property of said county for the year 1872, in the same manner as other taxes are levied and collected for said year.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER CCXV.

An Act to Legalize the Tax Voted by School District No. 10, in the County of Martin, for the Year 1870. February 27,
1872.

SECTION 1. Legalizing a tax levy.
2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the tax voted and levied by school district number ten, in the county of Martin, for the year 1870, as extended by the county auditor of said county, is hereby legalized and made valid. And such portions thereof as remain uncollected may be collected in the same manner as other taxes. Tax levy legalized.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 27, 1872.

CHAPTER CCXVI.

February 28,
1872.

An Act Authorizing the Transfer of certain Bridges from Hennepin County to the City of Minneapolis, and for other purposes relating thereto.

SECTION 1. Authorizing transfer of suspension bridge from county to the city, and to be forever free.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Transfer of
bridge.

SECTION 1. That the board of county commissioners of the county of Hennepin are hereby authorized and required, immediately upon the passage of this act, for and on behalf of said county, to transfer and release to the city of Minneapolis the Mississippi bridge, commonly known as the suspension bridge, connecting Nicollet island with the west bank of the Mississippi river, and also the bridge connecting said island with the east bank of said river, and all properties, rights and interest belonging to said county and pertaining to said bridges, acquired and now held by the county under the provisions of chapter seventy-five (75) of the special laws of one thousand eight hundred and sixty-seven (1867) of the state of Minnesota; and from and after the fourth day of March, one thousand eight hundred and seventy-two, (1872,) said county shall be forever released from all obligations and expense connected with the maintenance of said bridges and keeping the same in repair, and thereafter the said bridges and the highway connecting the same shall be under the exclusive charge, control and supervision of said city, and shall be forever kept and maintained at its own expense as free bridges for public use. *Provided*, That all bonds issued and obligations incurred by the said county prior to the fourth day of March, one thousand eight hundred and seventy-two, on account of said bridges, shall be and remain liabilities against the said county until fully paid by the county.

When act to
take effect.

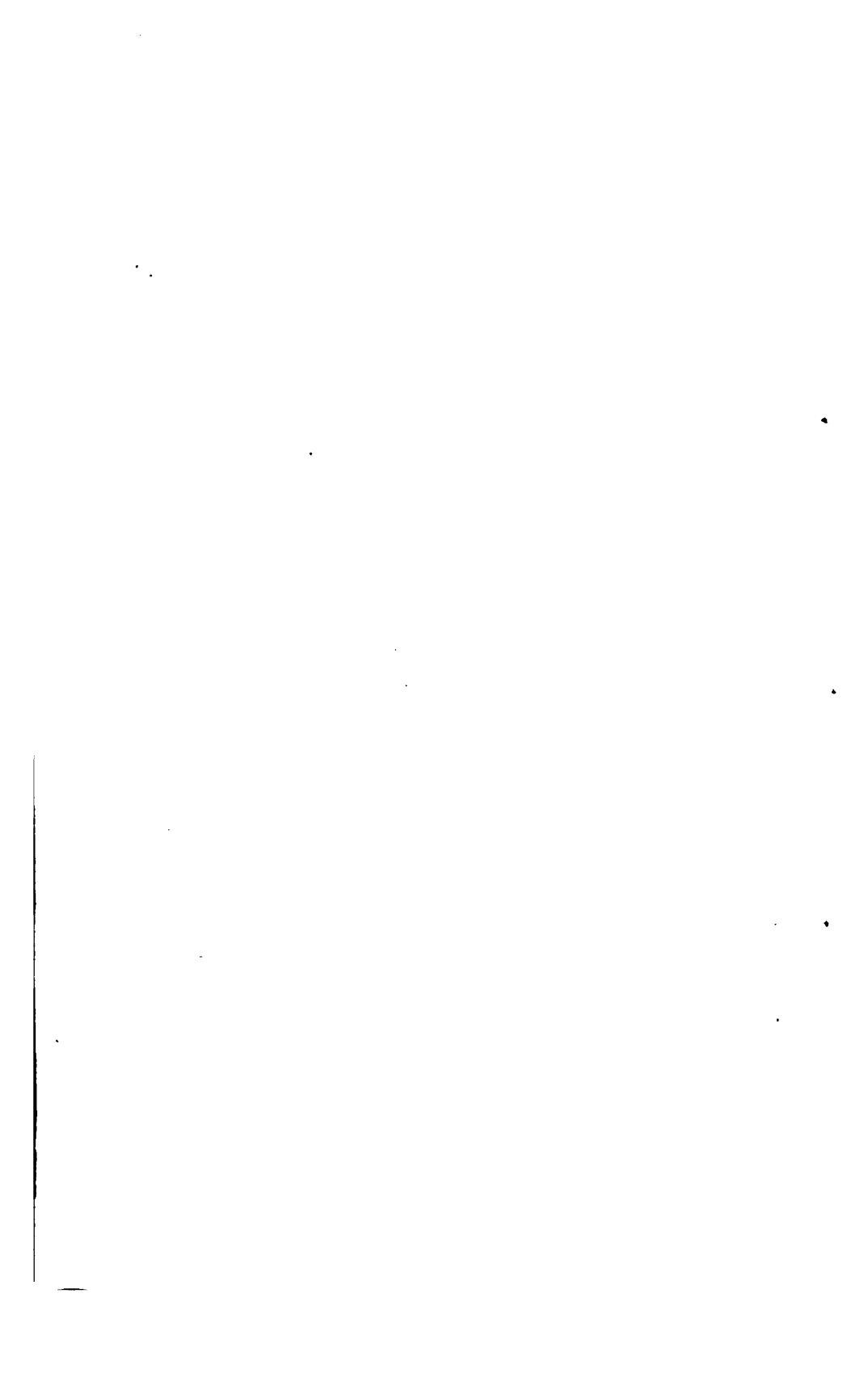
SEC. 2. This act shall take effect from and after its passage.

Approved February 28, 1872.

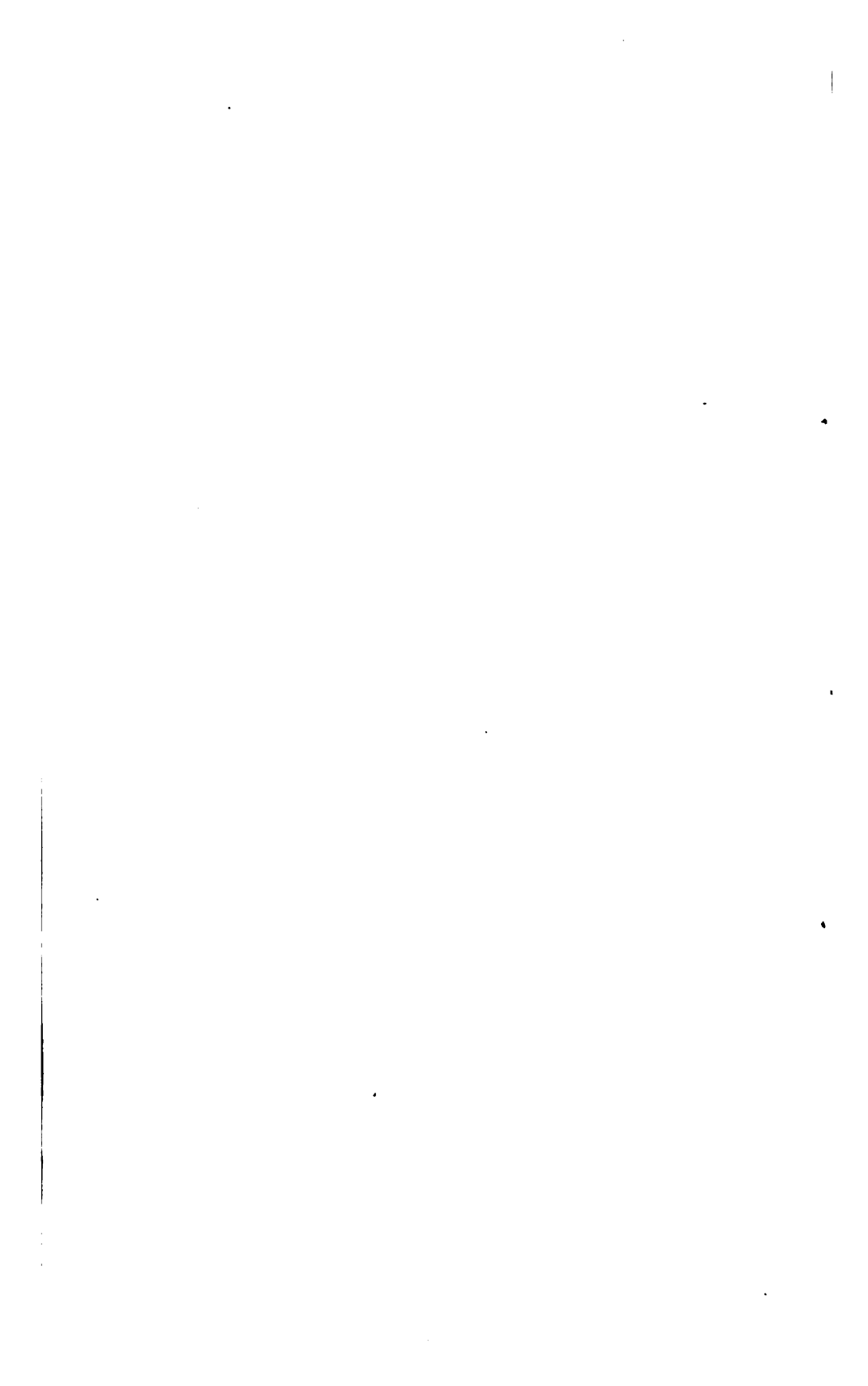
STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE,
St. Paul, August 1, 1872. }

I hereby certify that the foregoing laws have been carefully compared with the originals on file in this office, and that the same are true and correct copies thereof.

S. P. JENNISON,
Secretary of State.



INDEX.



I N D E X .

PAGE. SEC.

AID TO A RAILROAD LINE,

From Winona to the State line of Iowa.....	312
From Carver, <i>via</i> Henderson, St. Peter and Mankato	321
From Minneapolis to LaCrescent.....	338
From Little Falls, via Sauk Centre, Glenwood and Morris to west boundary of State.....	344
Branch from the Minneapolis and St. Louis Railway.....	353
From foot of Lake Pepin Southwesterly.....	369
St. Paul and Pacific.....	376

AID AUTHORIZED TO RAILROADS,

By cities and towns, of Sibley, Nicollet and Blue Earth counties	321
By cities and towns of Hennepin, Ramsey Olmsted, and Fill- more	327
By city of Wabasha.....	334
By town of Chatfield.....	336
By cities and towns of Hennepin, Olmsted, Fillmore and Houston counties.....	338
By cities and towns in the counties of Morrison, Todd, Stearns, Pope, Stevens, Traverse and Big Stone.....	344
By cities and towns of Wright, Stearns, McLeod and Carver counties.....	358
By town of Little Falls.....	364
By cities and towns of Wabasha county.....	369
By city of St Cloud.....	375
By cities and towns of Winona, Houston, Fillmore and Olm- sted counties.....	312
By cities and towns of Faribault county.....	318

AMENDMENT,

Of the charter of the city of St. Paul.....	17
Of act of 1871, relative to local improvements in city of St. Paul.....	23
Of act relating to free Schools in the city of St. Paul.....	43
Of act of 1871, relating to acceptance of dedication of streets in city of St. Paul.....	48
Of act of 1869 concerning a system of sewerage for the city of St. Paul.....	50
Of the charter of the city of Wabasha.....	219
Of the charter of the village of Lanesboro.....	220

	PAGE. SEC.
Of the charter of the village of Brownsville.....	221
Of the charter of the village of Freeborn	224
Of the charter of the village of Kasson.....	226
Of the charter of the borough of Henderson.....	230
Of the charter of the village of Chatfield.....	277
Of the charter of the village of Hokah.....	279
Of the act incorporating the city of Mankato.....	282
Of the act incorporating the city of Shakopee.....	283
Of the charter of the village of Caledonia.....	286
Of the charter of the village of Austin.....	288
Of the charter of the city of Duluth.....	292
Of the charter of city of Rochester	304
Of act of 1867, to incorporate certain towns in this territory.	305
Of the charter of the village of Wasera.....	307
Of the charter of the village of East Janesville.....	308
Of the charter of the village of Preston.	309
Of the charter of the city of Owatonna.....	310
Of the charter of the village of Preston	311
Of act of 1867, relating to Mississippi and Rum River Boom Company.....	425
Of the act relating to school district of the village of Brown- ville.	434
Of the charter of the St. Paul Fire and Marine Insurance Com- pany.....	441
Of the charter of the Winona and LaCrosse R. R. Company.	444
Of the charter of the Minnesota and Northwestern R. R. Co.	448
Of act authorizing St. Paul Water Company to relocate its line, &c., 1869.....	449
Of act incorporating Mankato Library Association	451
Of act amending charter of Minnesota Central R. R. Company	461
Of act authorizing the Minnesota Valley R. R. Company to construct a branch line.....	467
Of act incorporating the Sauk Rapids and Sauk River Manu- facturing Company.....	469
Of act relating to incorporation of St. Paul and St. Anthony R. R. Company.....	471
Of act incorporating the Mount Zion Hebrew Association....	477
Of act incorporating the St. John Seminary.....	483
Of act relating to branch line of Lake Superior and Mississippi R. R. Company.....	484

ANOKA, TOWN OF,—

Powers granted supervisors of, (See head notes).....	369
--	-----

APPROPRIATION,—

To build a bridge across Long Prairie river.....	541
To aid in building a bridge across Watonwan river.....	542
To aid in building a bridge across Yellow Medicine river....	544
To build a bridge across Red river.....	545
To build a bridge across Little Elk river.....	547
To build a bridge across Pomme de Terre river.....	548
To build a bridge across Chippewa river	550
To aid in building a bridge across the outlet at Tenhassen, in Martin county.....	551

AURORA, TOWN OF,—

Relating to land road warrants and unpaid taxes of.....	602
---	-----

INDEX.

621

PAGE. SEC.

AUSTIN, VILLAGE OF,— Amendments to the charter of.....	288
BECKER COUNTY OF,— Bonds of, concerning the issue of.....	363
BELLE PLAINE SALT COMPANY,— Land granted to, in aid of work.....	428
BIG STONE, COUNTY OF,— How towns may aid construction of railroad.....	344
BLOOMINGTON, TOWN OF,— Purchase of cemetery grounds by, confirmed.....	611
BLUE EARTH, COUNTY OF,— Towns, how may aid construction of railroad..... Bonds of, concerning the issue of.....	321 379
BLUE EARTH CITY, VILLAGE OF,— Incorporation of, (see head notes,).....	294
BOOM COMPANY,— Mississippi and Rum river, amendment to law concerning.... Relating to the Knife Falls.....	425 454
BROWN, COUNTY OF,— Board of commissioners of authorized to fix certain fees.....	596
BROWNSVILLE, VILLAGE OF,— Amendments to charter of..... Amendments to law relating to school district of.....	221 434
BUILDING SOCIETY,— Relating to the St. Paul Workingmen's.....	442
CALEDONIA, VILLAGE OF,— Amendments to the charter of..... Bonds of, concerning the issue of.....	286 396
CANNON CITY, TOWN OF,— Boundaries of changed and enlarged..	415
CANNON RIVER IMPROVEMENT COMPANY,— Authorized to construct and operate a railroad.....	470
CARVER, COUNTY OF,— How towns may aid the construction of railroad..... Removal of county seat of.....	353 423

CENTREVILLE, VILLAGE OF,—

Changed in name to Plainview..... 523

CHANGE OF NAME,—

Of Addie M. Kontz to Addie M. Sawyer.....	491
Of John P. Johnson to John P. Hall.....	492
Of Magnus Magnuson to Magnus M. Broberg.....	493
Of Elmer Ellsworth Carter to Elmer Ellsworth Eastgate.....	493
Of Louis Oliver Newinan to Louis Oliver Lyons.....	494
Of Edna Amanda Churchill to Edna Amanda Stephens.....	495
Of the township of Guthrie to Delevan.....	496
Of Henry Bork to Henry Meier.....	497
Of Minnie Kate Montgomery to Minnie Kate Slocum.....	498
Of Charles Gilroy to Charles Gilroy Darling.....	499
Of Edward Keyes Wheelock to Frank Wheelock Newcomb.....	501
Of Annie Elizabeth Wheelock to Mary Newcomb.....	501
Of Anders Oleson to Anders O. Henjum.....	502
Of Christoffer Olson to Christoffer O. Henjum.....	502
Of L. Branddold to Lars O. Branddold.....	503
Of Minnie Moore to Grace Bebee.....	503
Of Andrew Anderson to Anders A. Hoverstad.....	504
Of Iver Knudson to Iver K. Dalbotten.....	504
Of Halsten Olson to Halsten O. Braaten.....	504
Of Ole Olson to Ole O. Braaten.....	504
Of John Eder to John Marty.....	505
Of Elling Anderson to Elling A. Qualle.....	506
Of Andrew Anderson, Jr., to Andrew A. Qualle.....	506
Of Lewis Johnson to Ludwig Erik Malmin.....	507
Of Ellef Johnson to Ellef Johannerson Lien.....	507
Of Bendt Johnson to Bendt Johannerson Lien.....	507
Of John L. Johnson to Johannes J. Lien.....	507
Of Ole L. Johnson to Ole Johannes Lien.....	507
Of Ole Zorkelson to Ole Shaw.....	508
Of Edgar Greenwood to John Norman Richardson.....	509
Of the Scandinavian Evangelical Lutheran Church, of Red Wing, to Swedish Evangelical Lutheran Church.....	510
Of Aiken county to Aitkin county.....	511
Of White Bear Lake, in Pope county, to Lake Whipple.....	512
Of Ole Hanson to Ole Hanson Howe.....	513
Of Isaac Aslakson to Isaac Anderson.....	514
Of Jennie Bowman to Jennie Bedford.....	515
Of Fred. Barker to Fred. Mount.....	515
Of Ida May McDonald to Ida May Richards.....	515
Of Sarah Malinda Sanbourn to Sadie Ellen Collins.....	515
Of Edeath Sanbourn to Daisey S. Collius.....	516
Of Julia M. Perry to Julia M. Dawson.....	516
Of Alice Melina Fisk to Alice Rice Murdock.....	516
Of Rose Styles to Josephine McRay.....	516
Of Northfield College to Carleton College.....	517
Of Anna Catharina Margaretha Hell to Anna Margaretha Heinrich.....	518
Of Thore Thorson to Henry Jones.....	519
Of Mary Ann Biggs to Mary Rowena Strafford.....	520
Of Lewis Wine to Lewis Keller.....	521
Of the village of Centreville to Plainview.....	523
Of Lyndale Cemetery Association to Lakewood Cemetery As- sociation.....	595

	PAGE.	SEC.
CHANGE OF TOWNS,—		
Greenfield village, Wabasha county, changed to Kellogg.....	306	
Paris, McLeod county, vacated and attached to Hutchinson..	414	
Cannon City enlarged.....	415	
CHATFIELD, VILLAGE OF,—		
Amendments to charter of.....	277	
How may aid construction of railroad.....	386	
CHIPPEWA, COUNTY OF,—		
Removal of county seat of.....	410	
Relating to transcription of records.....	605	
CHISAGO, COUNTY OF,—		
May have an agricultural club	578	
COMMON PLEAS, HENNEPIN COUNTY COURT OF,—		
Establishment of, and regulations concerning.....	558	
COTTONWOOD, COUNTY OF,—		
Removal of county seat of	406	
Actions of Justice John Crapsey of, legalized.....	578	
COUNTY SEAT,—		
Of Cottonwood county, removal of.....	406	
Of Houston county, removal of.....	408	
Of Chippewa county, removal of.....	410	
Of Otter Tail county, removal of.....	411	
Of LeSueur county, removal of.....	412	
Of Scott county, removal of.....	416	
Of Lyon county, established.....	418	
Of Stevens county, removal of.....	420	
Of Pine county, removal of.....	421	
Of Carver county, removal of.....	423	
CRAPSEY, JOHN,—		
Legalizing actions of, a justice of the peace for Cottonwood county.....	578	
CROW WING, COUNTY OF,—		
Bonds of, concerning the issue of.....	365	
CUTTER, AMMI,—		
Act for relief of	584	
DAKOTA, COUNTY OF,—		
Concerning transcribing certain records.....	608	

	PAGE.	SEC.
DODGE CENTRE, VILLAGE OF,—		
Incorporation of, (See head notes).....	140	
DODGE, COUNTY OF,—		
Salaries of officers, how limited.....	606	
DOUGLAS, COUNTY OF,—		
Bonds of, concerning the issue of.....	386	
Auditor of, authorized to correct grand tax duplicate for 1871, and extend time for paying personal property tax.....	583	
Acts of commissioners legalized, creating school districts.....	597	
DULUTH, CITY OF,—		
Amendments to charter of.....	293	
Bonds of, concerning issue of.....	402	
EAST JANESVILLE, VILLAGE OF,—		
Amendments to the charter of.....	307	
EVANGELICAL LUTHERAN CHURCH,—		
First German, of Shakopee, concerning its acts and property.	106	
FARIBAULT, CITY OF,—		
Incorporation of, (see head notes)....	92	
School district of, amendment of law relating to.....	601	
FARIBAULT, COUNTY OF,—		
How county of may aid construction of railroad.....	231	
FARMINGTON, VILLAGE OF,—		
Incorporation of, (see head notes).....	263	
FERGUS FALLS, VILLAGE OF,—		
Incorporation of, (see head notes).....	159	
FERRY,		
W. B. Lutz and W. W. Scott authorized to establish a, at Lake City.....	543	
FILLMORE, COUNTY OF,—		
How towns may aid in the construction of railroad.....	312	
How towns may aid in the construction of railroad.....	327	
How towns may aid in the construction of railroad.....	336	
FREEBORN, VILLAGE OF,—		
Amendments to charter of.....	224	

INDEX.

625

	PAGE.	SEC.
GREENFIELD, VILLAGE OF.—		
Name of, in Wabasha county, changed to Kellogg.....	306	
HEIRSHIP,—		
Of Elmer Ellsworth Eastgate.....	493	
Of Louis Oliver Lyons.....	494	
Of Henry Meier.....	497	
Of Minnie Kate Slocum.....	498	
Of Elizabeth Ann Stoneman.....	500	
Of Frank Wheelock Newcomb and Mary Newcomb.....	501	
Of Grace Bebee.....	503	
Of John Marty.....	505	
Of John Norman Richardson.....	509	
Of Jennie Bedford.....	515	
Of Fred Mount.....	515	
Of Ida May Richards.....	515	
Of Sadie Ellen Collins.....	515	
Of Daisey S. Collins.....	516	
Of Julia M. Dawson.....	516	
Of Alice Rice Murdock.....	516	
Of Josephine McRay.....	516	
Of Anna Margaretha Heinrich.....	518	
Of Mary Rowena Strafford.....	520	
Of Lewis Keller.....	521	
Of Mary Wallace Sawyer.....	522	
HENDERSON, BOROUGH OF,—		
Amendments to charter of.....	230	
HENNEPIN, COUNTY OF.—		
How towns may aid in the construction of railroad.....	327	
How towns may aid in the construction of railroad.....	338	
Court of Common Pleas of, establishment and jurisdiction of. &c	558	
County commissioners of authorized to procure office for use		
of Probate Court.....	571	
Transfer of certain bridges by, authorized.....	614	
HOUSTON, COUNTY OF.—		
How towns may aid construction of railroad.....	312	
How towns may aid construction of railroad.....	338	
How towns of Houston and Yucatan in may aid erection of		
county buildings.....	393	
Removal of county seat of.....	403	
How Treasurer of authorized to collect delinquent taxes on		
certain lands.....	599	
HUTCHINSON, TOWN OF.—		
Town of Paris vacated and attached to.....	414	
INSURANCE COMPANY.—		
Amendments of charter of St. Paul Fire and Marine.....	441	
40		

	PAGE.	SEC.
JACKSON COUNTY.—		
Bonds of, concerning the issue of.....	390	
JORDON, VILLAGE OF.—		
Incorporation of (see head notes).....	209	
JURORS,—		
Concerning, in Ramsey county.....	563	
" " " ".....	609	
KANDIYOHI, COUNTY OF.—		
Register of Deeds of, authorized to transcribe certain records	576	
KASSON, VILLAGE OF,—		
Amendments to charter of.....	226	
KELLOGG,—		
Village of Greenfield, Wabasha county changed to,.....	306	
LAKE CITY, CITY OF,—		
Incorporation of (see head notes).....	175	
LAKE ELYSIAN,—		
Repeal of law authorizing lowering of the waters of.....	580	
LANESBORO, VILLAGE OF,—		
Amendment to charter of,.....	220	
LESUEUR, CITY OF,—		
Bonds of, concerning issue of.....	397	
LE SUEUR, COUNTY OF,—		
Removal of the county seat of.....	412	
LIBRARY ASSOCIATION,—		
Amendments to charter of the Mankato.....	451	
LITCHFIELD, VILLAGE OF,—		
Incorporation of (see head notes).....	233	
LITTLE FALLS, TOWN OF,—		
Authorized to purchase Depot Grounds for Railroad.....	364	
LOWERING THE WATER OF LAKES,—		
Allowed certain citizens of Nicollet county,.....	572	
Not allowed in case of Lake Elysian.....	580	

INDEX.

627

	PAGE. SEC.
LYNDALE CEMETERY ASSOCIATION,—	
Name of, changed. Allowed to purchase and hold additional land.....	595
LYON, COUNTY OF,—	
County seat of established.....	418
MANKATO, CITY OF,—	
Authorized to make local improvements (See head notes)....	135
Sinking fund for, provision for.....	280
Amendments of charter of.....	282
MANUFACTURING ASSOCIATION,—	
Authorizing the St. Louis river, to remove obstructions from said river &c.,.....	453
Charter of Sauk Rapids and Sauk river company, amended...	469
MARTIN, COUNTY OF,—	
Tax voted by School District No. 10 of, legalized.....	613
McLEOD, COUNTY OF,—	
How towns may aid construction of railroad.....	353
Town of Paris in, vacated and attached to Hutchinson.....	414
MINNEAPOLIS, CITY OF,—	
Consolidation of former city with St. Anthony, (See head notes)	56
Bonds of Board of Education of East Division of, concerning	378
Bonds of, concerning issue of.....	403
Transfer of certain bridges to, authorized.....	614
MORRISON, COUNTY OF,—	
How towns may aid construction of railroad.....	344
MOUNT ZION HEBREW ASSOCIATION,—	
Amendment to charter of,.....	477
NICOLLET, COUNTY OF,—	
Towns how may aid in construction of railroad.....	331
Citizens of Granby, Courtland and Nicollet to lower the water in certain Lakes.....	572
NORTHFIELD, VILLAGE OF,—	
The council of, authorized to levy a tax.....	566

	PAGE.	SEC.
OLMSTED, COUNTY OF,—		
How towns may aid in the construction of railroad.....	312	
How " " " " " " " "	327	
" " " " " " " "	338	
OTTER TAIL, COUNTY OF,—		
Removal of, county seat of.....	411	
OWATONNA, CITY OF,—		
Amendments to the charter of.....	310	
PARIS, TOWN OF,—		
Vacated and attached to town of Hutchinson	414	
PINE, COUNTY OF,—		
County seat of, removal of.....	421	
PLEASANT AVENUE,—		
Extension of.....	382	
POPE, COUNTY OF,—		
How towns may aid construction of railroad.....	344	
Bonds of may be issued, and concerning the same.....	360	
Towns of authorized to hold land for cemeteries.....	481	
PRESTON, VILLAGE OF,—		
Amendments to the charter of.....	309	
RAILROAD COMPANIES,—		
Sale of the line of the St. Paul and Chicago, confirmed.....	426	
The Davenport and St. Paul, authorized to extend their line	429	
The Minneapolis and St. Louis, authorized to build branch lines	431	
Relating to the St. Paul and Dubuque.....	442	
To revive and continue and amend charter of the Winona and LaCrosse.....	444	
Amendments of the charter of the Minnesota and Northwest- ern.....	448	
Amendments of amended charter of the Minnesota Central...	461	
Authorizing the Chippewa Falls and Lake Superior, to build a bridge.....	466	
Minnesota Valley to construct a branch line....	467	
Amended charter of the St. Paul and St. Anthony, amended...	471	
Southern Minnesota, authorized to construct a branch.....	473	
Red Wing and Menominee, authorized to build a bridge at Red Wing.....	475	

	PAGE.	SEC.
Hastings and Dakota, time for construction of line extended	476	
West Wisconsin authorized to bridge Lake St. Croix at Hudson	478	
St. Paul, Stillwater and Taylors Falls, declared for the public use.....	479	
St. Paul and Pacific, authorized to build a branch line.....	480	
First Division of St. Paul and Pacific, authorized to construct a branch.....	481	
Lake Superior and Mississippi, relating to branch line.....	484	
Winona and St. Peter, authorized to construct a branch to Iowa State line.....	487	
Minneapolis and St. Louis, authorized to construct branch lines.....	489	
RAMSEY, COUNTY OF,—		
How towns may aid construction of railroad.....	337	
Pleasant avenue in, established.....	382	
Clerk of district court to transcribe certain records.....	553	
Concerning the proceedings of commissioners of, in laying out certain avenues in:.....	555	
Relating to jurors and their fees.....	562	
Amendment of act relating to board of commissioners of.....	568	
Amendment of act establishing Summit avenue.....	569	
Authorizing the appointment of an abstract clerk.....	574	
Increasing compensation of judges of.....	577	
Compensation of officers of, how limited.....	596	
Relating to jurors.....	609	
REDWOOD, COUNTY OF,—		
Bonds of, concerning the issue of.....	384	
ROCK, COUNTY OF,—		
Acts of commissioners of legalized.....	598	
ROCHESTER, CITY OF,—		
Amendments to charter of.....	304	
RENVILLE, COUNTY OF,—		
Acts of register of deeds of legalized.....	594	
SAINT ANTHONY, CITY OF,—		
Consolidation with Minneapolis, (see head notes,).....	56	
Bonds of, concerning issue of.....	395	
SAINT CLOUD, CITY OF,—		
How may aid in the construction of a railroad.....	375	

	PAGE.	SEC.
SAINT JOHN SEMINARY,—		
Amendment to charter of.....	483	
SAINT JOHN, TOWN OF,—		
Organization of the.....	585	
SAINT LOUIS, COUNTY OF,—		
Bonds of, concerning the issue of.....	392	
SAINT PAUL, CITY OF,—		
Charter amended, (see head notes,).....	17	
Amendments to law relating to local improvements in.....	23	
Amendments to law relating to free schools in.....	42	
Authorized to issue bonds to improve certain streets.....	46	1
How funds to be used, and limit of appropriation.....	47	2
Amendment of act relating to accepting the dedication of streets.....	48	
Common council have sole power of vacating streets, &c.....	49	
Sewerage bonds of.....	50	1
Tax to be levied to pay bonds.....	50	2
Authorized to issue bonds to purchase public park grounds, (see head notes,).....	51	
Common council may fund debt of.....	54	1
Must levy tax for interest and sinking fund.....	54	2
May issue the bonds from time to time.....	55	3
SAINT PAUL WATER COMPANY,—		
Amendments to act authorizing to re-locate its line.....	449	
SAUK CENTRE, TOWN OF,—		
Plat of, to be perfected.....	579	
SCOTT, COUNTY OF,—		
Removal of county seat of.....	416	
Concerning transcribing certain records.....	608	
SHAKOPEE, CITY OF,—		
Amendments of the charter of, (see head notes).....	283	
Bonds of, concerning the issue of.....	404	
SIBLEY, COUNTY OF,—		
Towns how to aid in construction of railroad.....	321	
Commissioners of, authorized to survey and locate certain roads	533	
SPRING VALLEY, VILLAGE OF,—		
Incorporation of, (see head notes).....	247	

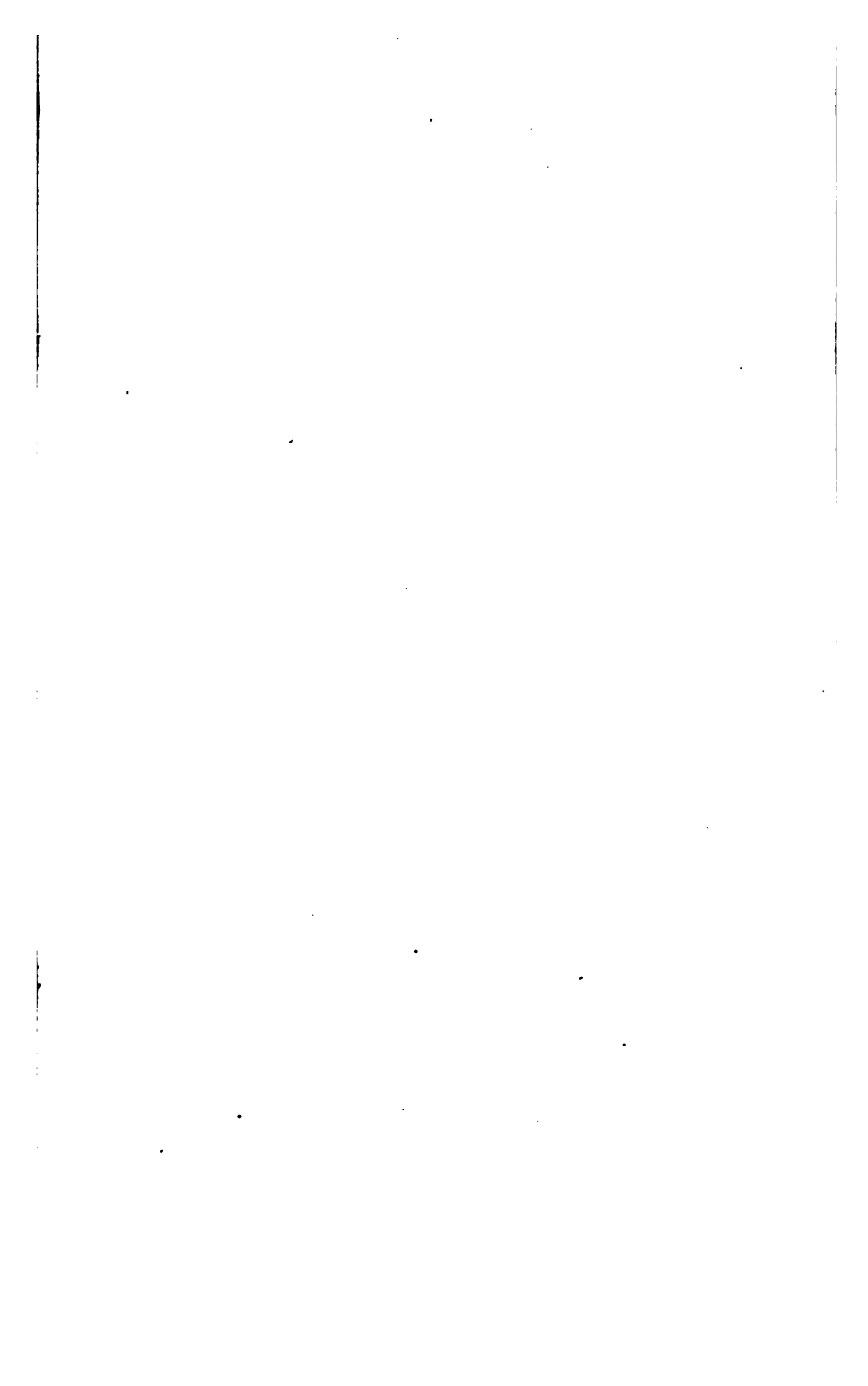
INDEX.

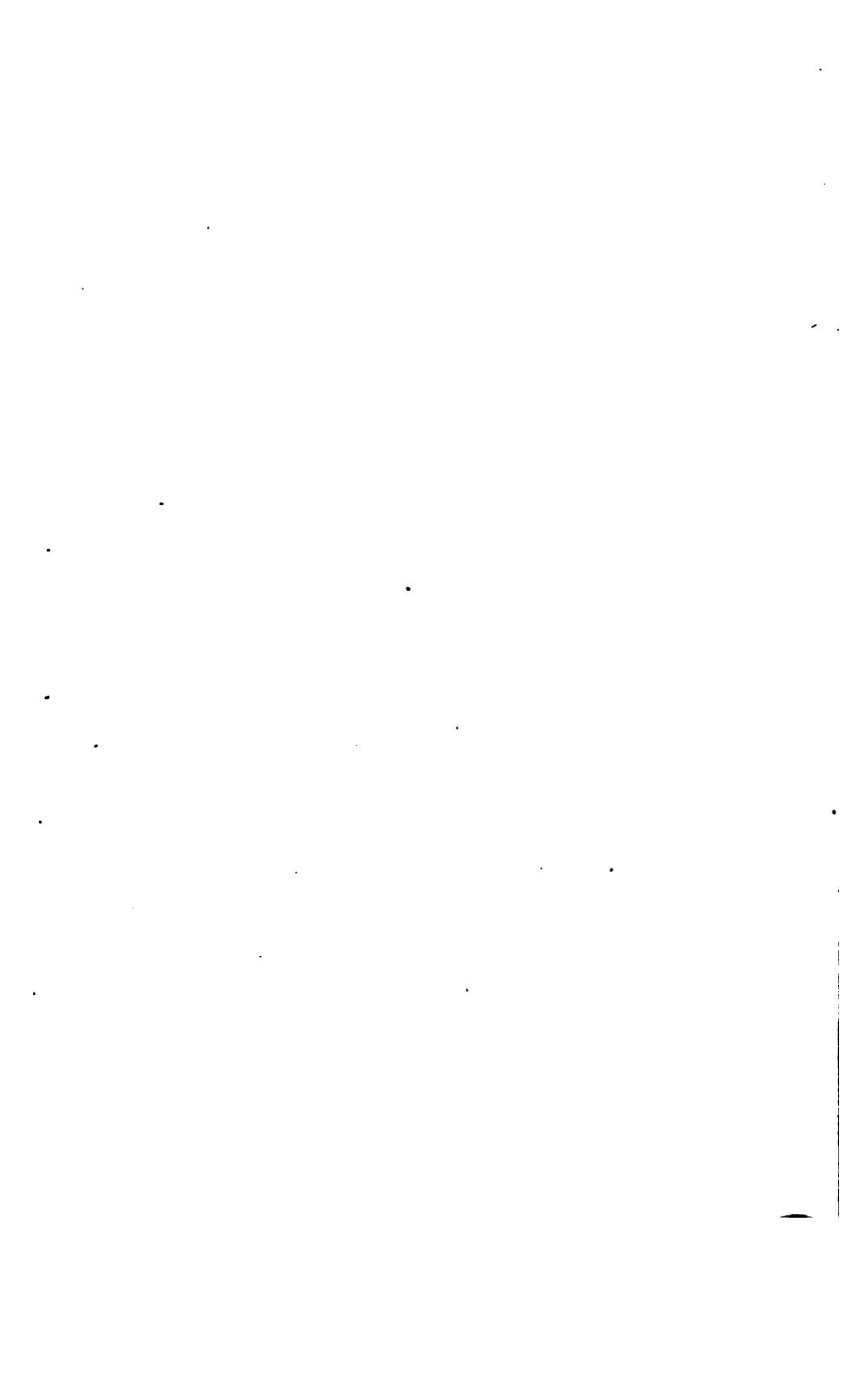
631

	PAGE. SEC.
STATE ROAD,—	
From Chengwatana to Brunswick.....	524
In Carleton county, repeal of act concerning.....	525
From Henderson to Beaver Falls.....	526
From Spunk Lake to Burnhamsville.....	529
From LeSueur to Rice county.....	530
From Princeton to Brunswick.....	532
From Rockford to Watertown.....	534
From Faxon to Belle Plaine.....	536
In Sibley county.....	538
STEARNS, COUNTY OF,—	
How towns may aid construction of railroad.....	344
How towns may aid construction of railroad.....	353
County surveyor of authorized to perfect plat of Sauk Centre.	579
STEELE, COUNTY OF,—	
Commissioners of, authorized to appropriate money.....	612
STEVENS, COUNTY OF,—	
How towns may aid construction of railroad.....	344
Removal of county seat of.....	420
STEVENS' SEMINARY,—	
Title to certain lands in McLeod county confirmed in.....	567
STILLWATER, CITY OF,—	
Authority of, to aid in construction of a bridge.....	351
Bonds of, issue of confirmed.....	400
SWIFT, COUNTY OF,—	
Concerning transcription of certain records.....	605
TAYLOR'S FALLS, TOWN OF,—	
Amendment of act creating independent school district of....	600
TODD, COUNTY OF,—	
How towns may aid construction of railroad.....	344
Bonds of, concerning the issue of.....	367
TRAVERSE, COUNTY OF,—	
How towns may aid construction of railroad.....	344
WABASHA, CITY OF,—	
Amendments to charter of.....	219
How may aid construction of railroad.....	334

	PAGE.	SEC.
WABASHA, COUNTY OF,—		
How towns may aid construction of a railroad.....	369	
WARSAW, TOWN OF.—		
Amended plat of, legalized.....	229	1
WASECA, VILLAGE OF,—		
Amendments to charter of.....	307	
WEST SAINT PAUL, TOWNSHIP OF,—		
Supervisors of to levy a special tax, &c.....	603	
WILLMAR, TOWN OF,—		
Bonds of, for erection of court house, concerning.....	383	
WINONA, CITY OF.—		
City council authorized to issue bonds.....	333	
Repeal of act authorizing to aid in construction of Winona and South-western railroad	362	
WINONA, COUNTY OF,—		
How towns of may aid construction of railroad.....	312	
WRIGHT, COUNTY OF,—		
How towns may aid in construction of railroad.....	353	
YELLOW MEDICINE, COUNTY OF,—		
Regulating the payment of delinquent taxes in.....	554	







Stanford Law Library



3 6105 063 428 374